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C.R.P(MD)No.1746 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1746 of 2022

Rajendran

... Petitioner/Respondent/Plaintiff

Vs.

Vijaya

...Respondent/Petitioner/Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 18.04.2022 passed in I.A.No.1 of 2022 in O.S.No.84 of 2019 on the file of the learned Sub-Judge, Lalgudi.

For Petitioner :Mr.J.Madhu

For Respondent :Mr.V.George Raja

ORDER

This Civil Revision Petition is preferred as against the fair and decreetal order dated 18.04.2022 passed in I.A.No.1 of 2022 in O.S.No.84 of 2019 by the learned Sub-Judge, Lalgudi.



2. According to the revision petitioner/plaintiff, he filed a suit in O.S.No.324 of 2014 before the I Additional Sub-Court, Trichy, for specific performance, against the respondent. In the said suit, ex-parte decree was passed on 12.11.2014. In order to execute the decree, he filed an execution petition in E.P.No.185 of 2015, in which, the respondent entered appearance and contested the E.P. The Execution Court disposed the said E.P., on 07.04.2017 by executing the registered sale deed in favour of the petitioner.

3. In such circumstances, the respondent filed an applications in I.A.No.508 of 2015 to set aside the ex-parte decree, dated 12.11.2014. The said I.A was dismissed. Against which, the petitioner filed C.R.P(MD)No. 629 of 2019 and during the pendency of the CRP., the main suit was transferred to the Sub-Court, Lalgudi and renumbered as O.S.No.84 of 2019. Again, on 02.12.2019, the suit was decreed ex-parte, before final order was passed in C.R.P. On 02.12.2021, the said C.R.P was disposed of. Thereafter, the respondent, once again filed I.A.No.1 of 2022 to set aside the ex-parte order, which shows that the intention of the respondent is only to drag on the proceedings. The said I.A was allowed on 18.04.2022. Hence, he filed the present civil revision petition to set aside the order passed by the trial Court.



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4.The learned counsel appearing for the petitioner would submit that the respondent/defendant had never denied his signature in the sale agreement, dated 09.04.2013 and the intention of the respondent/defendant is only to drag on the proceedings to defeat the claim made by the petitioner in the suit.

5.The learned counsel appearing for the respondent/defendant would submit that the suit is now posted for trial and the petitioner/plaintiff has filed the proof of service. Therefore, an opportunity may be afforded to the respondent herein to put-forth her defence.

6.Considering the stage of the case and also the pendency of the suit, this Court thinks fit that an opportunity should be afforded to the respondent to put up her defence in the interest of justice and also considering the long pendency of the suit, the learned Subordinate Judge, Lalgudi, is directed to dispose the suit in O.S.No.84 of 2019, on merits and in accordance with law, as expeditiously as possible, without giving any unnecessary adjournments, within a period of four months from the date of receipt of a copy of this order.



7.Taking note of the fact that the attitude of the respondent in not pursuing the matter and leaving the suit to be ordered as ex-parte on several occasions and filing petition, the petitioner is at liberty to file a petition before the trial Court seeking for deposit of the advance amount.

8.With the above direction, this Civil Revision Petition is disposed of.

No costs.

25.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Subordinate Court,
Lalgudi.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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