



C.R.P.(MD)No.2585 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2585 of 2023

E.Nagalingam

... Petitioner/
Respondent/
Plaintiff

Vs.

S.Sundari

... Respondent/
Petitioner/
Defendant

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif Court, Thiruchendur to dispose of the I.A.No.41 of 2020 in O.S.No.77 of 2014 on his file as expeditiously as possible and within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

ORDER

The Civil Revision Petition has been filed seeking a direction to dispose of the petition in I.A.No.41 of 2020 in O.S.No.77 of 2014 pending



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on the file of the District Munsif Court, Thiruchendur, within a specified time fixed by this Court.

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2. I have heard the learned counsel appearing for the revision petitioner. Since the revision petition is filed for early disposal of the case, the issuance of notice to the respondent is not necessary.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner/plaintiff has filed a suit in O.S.No.77 of 2014, that since the respondent/defendant's side written statement was not filed and she was called absent, *ex parte* decree was passed on 16.12.2014, that the respondent/defendant has filed an application under Section 5 of Limitation Act to condone the delay of 1886 days in filing the petition for setting aside the *ex parte* decree and the same was taken on file in I.A.No. 41 of 2020 and the same is pending without any progress and that therefore, enquiry in I.A.No.41 of 2020 has to be expedited.

4. Considering the facts that the *ex parte* decree was passed on 16.12.2014 and that the application to condone the delay in filing the



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petition for setting aside the *ex parte* decree is pending for the past three years, the learned District Munsif, Tiruchendur is hereby directed to conduct an enquiry and dispose of the application in I.A.No.41 of 2020 within a period of two months from the date of receipt of copy of this order.

5. With the above direction, the Civil Revision Petition is allowed.

No costs.

09.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The District Munsif Court,
Tiruchendur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2585 of 2023

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