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C.R.P(MD)No.2177 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P(MD)No.2177 of 2019
and
C.M.P(MD)No.11383 of 2019

P.Ponnusamy ... Petitioner / Petitioner /Defendant

.Vs.

R.Nagaraj ... Respondent / Respondent /Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair and decretal order, dated 04.09.2019, made in I.A.No.49 of 2019 in O.S.No.63 of 2016, on the file of the District Judge, Karur.

For Petitioner : Mr.M.Bindran

For Respondent : Mr.K.Suresh

ORDER

The instant Civil Revision Petition is preferred by the defendant, aggrieved by the order passed in I.A.No.49 of 2019 in O.S. No.63 of 2016, refusing to condone the delay of 691 days in filing the application to set aside the exparte decree.



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2. The learned counsel for the petitioner as well as the respondent are present.

3. The suit has been filed for recovery of money based on promissory note and in view of non appearance of the defendant, the trial Court set the defendant exparte and a decree came to be passed on 21.03.2017. The said exparte decree was sought to be set aside in I.A.No. 49 of 2019. However, the trial Court has dismissed the said application, as against which the present Civil Revision Petition has been filed.

4. The learned counsel for the respondent would fairly submit that the parties are likely to arrive at an amicable settlement and in order to facilitate the compromise, he would fairly concede that the Revision can be allowed for the parties to record a settlement before the trial Court.

5. Recording the fair submission of the learned counsel for the respondent, the instant Civil Revision Petition stands allowed and the delay is condoned.



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6. In view of the delay being condoned, the trial Court shall take up the application under Order 9 Rule 13 C.P.C and pass orders after hearing the parties. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
Ls

12.10.2023

To

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



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P.B.BALAJI,J.

Ls

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