



CRP(MD)No.2297 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.2297 of 2019

Sumathi

... Petitioner

versus

1. Sakunthala
2. Thilagam
3. Selvarasu
4. Senthamil Selvan

... Respondents

Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 13.09.2019 made in I.A.No.76 of 2019 in O.S.No.178 of 2014 on the file of the learned District Munsif at Pattukottai.

For Petitioner	: Mr.S.Saravanan
For R1	: Mr.K.K.Ramakrishnan
For R2 and R3	: No appearance
For R4	: Mr.G.Thiruvartselvan



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ORDER

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The petitioner is the plaintiff in O.S.No.178 of 2014 pending on the file of the learned District Munsif, Pattukottai. She filed the said suit for declaration and also for consequential injunction against the respondents. When the suit was posted for trial on 09.10.2018, the petitioner has not appeared before the trial Court. Therefore, the suit was dismissed for default on 09.10.2018. Thereafter, the petitioner filed an application in I.A.No.76 of 2019 to condone the delay of 3 days in filing the application to restore the suit. In the said application, she has stated that since she was suffering from viral fever, she could not appear before the Court, when the case was posted for trial on 09.10.2018. However, the trial Court has not accepted the said reason that there is no documentary evidence to prove the same, dismissed the said application, by order dated 13.09.019. Aggrieved over the same, the present Civil Revision Petition is filed.



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2. Considering that the period of delay is only 3 days and also considering that the petitioner is a widow, this Court, in order to provide one opportunity to the petitioner to contest her case, is inclined to allow the Civil Revision Petition.

3. Accordingly, the Civil Revision Petition is allowed with a direction to the petitioner to file a proof affidavit before the trial Court and proceed with the trial without taking any further adjournment. The trial Court shall endeavour to conclude the trial as expeditiously as possible. No costs.

05.01.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The learned District Munsif,
Pattukottai.

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B.PUGALENDHI, J.

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