



C.R.P(MD)No.335 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.335 of 2023

P.A.Maharajan

... Petitioner/Petitioner/
Plaintiff

Vs.

P.Ramakrishnan

... Respondent/Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the executable order and fair order dated 25-03-2022 made in I.A.No.1/2019 in O.S.No.278/2015 on the file of the learned District Munsif, Melur, Madurai District by allowing this civil revision petition.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.N.Madhava Govindan



C.R.P(MD)No.335 of 2023

ORDER

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The present revision petition has been filed by the plaintiff in a suit for declaration of title and permanent injunction, challenging an order, under which the request of the petitioner for condoning the delay of 276 days in restoring the suit was dismissed.

2. The petitioner had filed Tr.O.P.No.28 of 2018 before District Court, Madurai for transferring the said suit to some other Court and the same was pending. While transfer original petition was pending, the plaintiff had not appeared before the Court and the suit was dismissed for default on 11.09.2018. Thereafter, the present application came to be filed with a delay of 276 days. However, the said application has been dismissed by the trial Court on the ground that the petitioner has not come to Court with clean hands.

3. Considering the prayer sought for in the suit and the length of delay and the pendency of transfer original petition, this Court is inclined



C.R.P(MD)No.335 of 2023

to allow the revision petition. The order passed in I.A.No.1 of 2019 in O.S.No.278 of 2015, dated 25.03.2022 is hereby set aside. The Civil Revision Petition stands allowed with a cost of Rs.2,000/- (Rupees Two Thousand only) to be paid to District Legal Aid services at Madurai within a period of two (2) weeks from the date of receipt of a copy of this order. Considering the fact that the suit is of the year 2015, the learned District Munsif, Melur is directed to dispose of the suit on or before 31.08.2023.

4. With the above said observations, this Civil Revision Petition stands allowed. No costs.

13.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.R.P(MD)No.335 of 2023

To

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1. The District Munsif,
Melur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.335 of 2023

R.VIJAYAKUMAR ,J.

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