



CRP No.5070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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1.Ponnathal
2.Ravikumar

... Petitioners

Vs.

Rajdendran

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside fair and decreetal order in IA No.21 of 2020 in OS No.231 of 2012 dated 04.08.2021 on the file of the District Munsif cum Judicial Magistrate Court, Madathukulam.

For Petitioner : Ms.D.Jeevitha



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ORDER

This Civil Revision Petition is filed to set aside fair and decreetal order in IA No.21 of 2020 in OS No.231 of 2012 dated 04.08.2021 on the file of the District Munsif cum Judicial Magistrate Court, Madathukulam.

2. The petitioners are the plaintiffs, and the respondent is the defendant in OS No.231 of 2012, on the file of the District Munsif cum Judicial Magistrate Court, Madathukulam. The suit was dismissed for default on 22.03.2019 for non appearance of the petitioners. Subsequently, the petitioners have filed an interlocutory application in IA No.21 of 2020 to restore the suit. The Trial Court allowed the said application on 20.07.2021 on payment of costs of Rs.1,000/- payable to the Tiruppur District Legal Aid on or before 03.08.2021 and posted the suit for arguments on 04.08.2021. On the said date, since the petitioners had not appeared and not paid the costs, as directed by the Trial Court, the suit was dismissed on 04.08.2021. Challenging the said order, the petitioners have filed the civil revision petition.



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3. Now, learned counsel for the petitioners submits that the petitioners may be granted a week's time to pay the costs as directed by the trial court and seeks for setting aside the order of the trial court.

4. Considering the submission of the learned counsel for the petitioner, the order dated 04.08.2012 passed by the Trial Court is hereby set aside and the petitioners shall pay the costs as imposed by the trial court, within a period of one week from the date of receipt of a copy of this order. If the petitioners fails to pay the costs, within the said period, the trial court order will be restored.

5. In view of the above, the civil revision petition is allowed. There will be no order as to costs. Consequently, CMP No.25182 of 2023 is closed.

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Index: Yes/No
Internet: Yes/No
mrn

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V.SIVAGNANAM, J.,

mrn

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