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C.R.P.No.4012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.4012 of 2024

Jothieswari

...Petitioner

vs.

N. Palanisamy Gounder (Died)

1.Thangavel

2.Nachimuthu

3.Deivathal

4.Yeshodaha Devi

5.Mainavathi

6.Shankar

...Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, 1908, against the Fair and Final Order dated 24.07.2024 made in I.A.No.28 of 2020 in O.S.No.425 of 2009 on the file of the District Munsif Court, Madathukulam, Udumalapet District.

For Petitioner : Mr.Sam Jayaraj Houston
for Mr.S.Prasath

For Respondents : R1 to R6 – No appearance

ORDER



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Despite service of notice and their names having been printed in the cause list, there is no representation on the side of the respondents.

2.The Trial Court has dismissed the application for restoration of suit on the ground that cost has not been paid on or before 23.07.2024.

3.Originally, on 12.06.2017, the application was filed to condone the delay of 589 days, the said application has been allowed on condition that the petitioner shall a pay a sum of Rs.1,000/- on or before 23.07.2024, as the said amount has not been paid, the application has been dismissed.

4.The main contention of the Revision Petitioner is that the certified copy has not been uploaded on-line, the time schedule could not be followed to pay the said amount and the respondent also remained exparte before the Court.

5.This Court is of the view that one more opportunity has to be given to contest the suit. Accordingly, the petitioner shall pay a further cost of Rs.5,000/- and the same shall be deposited before the Trial Court



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within a period of 15 days from the date of receipt of a copy of this order.

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6.On such deposit, the restoration petition has to be allowed and the Trial Court shall decide the suit on merits.

7.With the above directions, this Civil Revision Petition is disposed of. No costs.

03.12.2024

Index: Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

The District Munsif Court, Madathukulam, Udumalpet District.



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N.SATHISH KUMAR, J.

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