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C.R.P.[NPD].No.4529 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.4529 of 2024

&

CMP.No.25243 of 2024

1. V.Saraswathy
2. V.Madhanagopal
3. V.Umadevi
4. M.Priyadharshini
Petitioners

...

Versus

1. P.Sudha
2. K.Hariprasadh
3. J.Kannan
Respondents

...

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the fair and final Order dated 27.09.2024 made in I.A.No.3 of 2024 in O.S.No.78 of 2020 on the file of IV Additional District Judge, Coimbatore.



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For petitioners : Mr.J.Jayan

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ORDER

Challenge has been made against the Order of the trial Court staying the proceedings of exparte decree passed against the petitioners on 05.06.2024, the present Civil Revision Petition has been filed.

2. The brief facts leading to filing of this petition is as follows :

The suit has been laid by the revision petitioners to cancel the sale deeds dated 5.06.2016 and 04.07.2016 in favour of the first and second defendants and also for permanent injunction. The suit has been decreed exparte on 05.06.2024. The respondents have filed an application to set aside the exparte decree dated 05.06.2024 along with an application to condone the delay of 67 days. They also filed an application under section 151 of CPC for staying the operation of the exparte decree till the disposal of the application to set aside the exparte decree. The trial Court allowed the said application. As against which the present revision has been filed.



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3. The learned counsel appearing for the petitioner would submit that without assigning any reason, the trial Court has allowed the petition and therefore, the same cannot be sustained in the eye of law.

4. I have perused entire materials. No doubt the trial Court without assigning any reason stayed the operation of the exparte decree. It is to be noted that the exparte decree has been sought to be set aside immediately along with an application to condone the delay of 67 days and the said applications are pending. Therefore, the trial Court had exercised its discretion and stayed the operation of the exparte decree. Hence, I do not find any merits in this revision. Taking note of the fact that the applications in I.A.Nos.2 and 4 of 2004 have been filed for condonation of delay and setting aside the exparte decree, the trial Court is directed to dispose of the above applications within a period of one month from the date of receipt of a copy of this Order.



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5. With the above directions, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order

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