



C.R.P.(MD)No.349 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.349 of 2023

and

C.M.P.(MD)No.1696 of 2023

1.Marimuthu

2.Devika

... Petitioners/Petitioners/Defendants

Vs.

Bhavani

... Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 16.12.2022 in I.A.No.47 of 2022 in O.S.No.112 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Orathanadu and to allow the civil revision petition.

For Petitioners : Mr.A.N.Ramanathan

For Respondent : No appearance

* * *

ORDER

Heard the learned counsel for the revision petitioners. None appears for the respondent.



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2.The petitioners are the defendants in O.S.No.112 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Orathanadu. They were set *ex-parte* on 21.02.2020. The petitioners filed a petition under Order IX Rule 7 of Civil Procedure Code on 18.03.2020. In other words, the set aside petition was filed in time. Subsequently, written statement was also filed. In these circumstances, the Court below ought to have been liberal. Having filed the set aside petition in time, I find no reason for the petitioners in not getting the petition numbered for full two years. It is probably for this reason, the Court below dismissed I.A.No.47 of 2022 on 16.12.2022. While I will not fault the Court below, I am of the view that the petitioners deserve to be given one more opportunity.

3.In this view of the matter, the impugned order is set aside and the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The District Munsif Cum Judicial Magistrate Court,
Orathanadu.



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G.R.SWAMINATHAN, J.

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