



WEB COPY

C.RP(MD)No.1507 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1507 of 2024

K.R.Dennis Raj

... Petitioner/Respondent/
Plaintiff

Vs.

Mahalingam

...Respondent/Petitioner/
Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.5 of 2023 in O.S.No.58 of 2022 dated 19.02.2024 on the file of the I Additional District Judge, Thoothukudi.

For Petitioners

:Mr.M.Murugan

ORDER

The civil revision petition is filed against the order, dated 19.02.2024 on the file of the first Additional District Judge, Thoothukudi, made in I.A.No.5 of 2023 in O.S.No.58 of 2022.



2.By the said order, the trial Court has allowed the interlocutory application filed by the respondent to set aside the ex-parte order. The ex-parte order was passed on 19.06.2023 and when the suit was still pending, the application was made and the same was allowed.

3.The learned counsel appearing on behalf of the petitioner would submit that no proper reasons were mentioned in the affidavit, even though the limitation is not applicable, still the delay and laches should have been properly explained by the petitioner and in the absence of the same, the trial Court ought not to have allowed the petition. He would submit that in any event, this Court should order early disposal of the suit as it is filed in the year 2022.

4.I have considered the said submissions made by the learned counsel for the petitioner and perused the material records of the case.

5.Considering the reasons mentioned in the affidavit and the Court also has taken into consideration that the lis between the parties have to be decided on merits and after holding so, exercise its jurisdiction and allowed the respondent to contest the matter on merits and a cost of rupees Rs.2,000/- is also ordered. Therefore, I do not see any compelling reason to



interfere with the discretion exercised by the trial Court. Accordingly, the Civil Revision Petition is disposed of upholding the order of the learned District First Additional District Judge, Thoothukudi made in IA.No.5 of 2023, in OS.No.58 of 2022. However, since the suit is of the year 2022, the learned First Additional District Judge, Thoothukudi, is requested to dispose of the suit as expeditiously as possible, in any event, not later than nine months from the date of receipt of the copy of the order. No costs.

11.07.2024

NCC:Yes/No
Ns

To
1.The First Additional District Judge,
Thoothukudi.



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D.BHARATHA CHAKRAVARTHY, J.

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