



C.R.P(MD)No.702 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.702 of 2020

V.Amal raj

... Petitioner / Plaintiff

Vs

1.V.Anthoni Manuvel Raj

2.V.Selvaraj

3.V.Pavunraj

4.V.Dhiraviyam

... Respondents / Defendants

Prayer : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Ex-order and fair order dated 07.11.2019, made in I.A.No.115/2018 in O.S.No.66 of 2015 on the file of Additional District and Sessions Judge, Theni (Periyakulam sitting).

For Petitioner : Mr.R.Suriya Narayanan

For R1 : Mr.R.Shankar Ganesh

For R2 to R4 : No appearance



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ORDER

This Civil Revision Petition is filed to set aside the Ex-order and fair order dated 07.11.2019, made in I.A.No.115/2018 in O.S.No.66 of 2015 on the file of Additional District and Sessions Judge, Theni (Periyakulam sitting).

2. The suit in O.S.No.66/2015 was filed by the revision petitioner herein against the respondents seeking the relief of partition and separate possession of 1/5th share. The defendant appeared and filed their statement. When the suit is listed for trial, the revision petitioner failed to appear. To restore the suit, a petition was filed along with an application to condone the delay of 279 days. That came to be dismissed by the trial Court observing that no proper reason was assigned by the revision petitioner. Against which this Civil Revision Petition is preferred.

3. Heard both sides.

4. As mentioned above, this is a suit for partition between the co-sharers. According to the revision petitioner, the matter was referred to



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the Mediation Centre and there was no compromise between the parties in the Mediation Centre. The matter was referred back to the Court.

That was not intimated to him in time by his Advocate. Later only he came to know about the dismissal order. In the meantime, he also suffered due to Jaundice, anaemia etc.

5. No doubt that it is the duty of the revision petitioner to contact his advocate in a periodical manner to know the status of the case filed by him. But he failed in contacting the advocate in a proper manner. It is the duty of the advocate for the revision petitioner to contact the revision petitioner about the stage. Both have failed. But the suit is filed for partition. So no prejudice will be caused to the respondent, if the petition is allowed on payment of cost for the inconvenience caused. Therefore, the petitioner was directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only), on or before 09.12.2024. Since the order of this Court was complied by the revision petitioner, this Court is inclined to allow this Civil Revision Petition.



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6. Accordingly, this Civil Revision Petition is allowed and the fair and decreetal order dated 07.11.2019, made in I.A.No.115/2018 in O.S.No.66 of 2015 on the file of Additional District and Sessions Judge, Theni (Periyakulam sitting), is set aside. No costs.

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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09.12.2024

To

- 1.The Additional District and Sessions Judge, Theni.
(Periyakulam sitting)
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN, J.

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ORDER
IN

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