



C.R.P.(MD)No.1880 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1880 of 2024

and

C.M.P.(MD)No.10633 of 2024

T.Dinesh Kumar

... Petitioner

Vs.

P.Karthigaivel

... Respondent

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 07.06.2024, passed in I.A.No.745 of 2023 in O.S.No.227 of 2018, on the file of the Subordinate Judge, Ottanchathiram.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.S.Rajasekar

ORDER

The present civil revision petition is filed by the plaintiff in the suit O.S.No. 227 of 2018 and the suit is for partition. The 2nd defendant entered appearance but failed to file written statement. Thereafter, an exparte decree was passed against



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him. Aggrieved over the same, the defendant had filed a petition to set aside the exparte decree along with condone delay petition in I.A.No.745 of 2023 to condone the delay of 1334 days. After hearing the said application, the Trial Court has allowed the application with a cost of Rs.3,000/- payable to the plaintiff. Aggrieved over the same, the plaintiff has filed the present civil revision petition.

2. It is seen that the suit is filed for partition wherein the plaintiff is claiming right over the property as a co-sharer. The property was sold to the defendants by the father and at the time of sale the plaintiff was a minor. After attaining majority, the plaintiff has filed the suit. Therefore, this Court is of the considered opinion that the 2nd defendant ought to be granted an opportunity. However, the delay is huge and the cost of Rs.3,000/- is meagre. Therefore, this Court is increasing the said cost to Rs.7,500/-. Already Rs.3,000/- is paid to the plaintiff revision petitioner. Therefore, the balance cost of Rs.4,500/- shall be paid by the 2nd defendant / respondent herein within a period of four weeks from the date of receipt of a copy of this order to the plaintiff / revision petitioner. On such



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payment, the suit shall be restored and shall be heard on merits. The suit shall be completed within a period of one year from the date of restoring the suit.

3.With the above said observations, the civil revision petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

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

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To

- 1.Subordinate Judge,
Ottanchathiram.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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