



C.R.P.(MD)No.2096 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2096 of 2024

S.Sundara Vadivu

... Petitioner

Vs.

1.S.Jeeva

2.The Government of Tamil Nadu,
represented by its District Collector,
Trichirappalli.

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 25.04.2024, passed in I.A.No.2 of 2023 in O.S.No.663 of 2017 on the file of the 1st Additional Subordinate Court, Trichy.

For Petitioner	: Mr.R.S.Sivaram
For R1	: No appearance
For R2	: Mr.V.Om Prakash
	Government Advocate

ORDER

The present civil revision petition is filed against the order, dated 25.04.2024, passed in I.A.No.2 of 2023 in O.S.No.663 of 2017 on the file of the 1st Additional Subordinate Court, Trichy.



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2. The suit was filed by the revision petitioner for recovery of money against the 1st defendant, but the 1st defendant has remained exparte in the Trial Court. In spite of notice in the present revision petition, the 1st defendant did not appear before this Court also.

3. The contention of the revision petitioner is that after filing the suit, the case was posted for cross-examination. On that date, the petitioner was absent. Therefore, the suit was dismissed for default. The petitioner / plaintiff has filed a petition to restore the suit along with condone delay application to condone the delay of 266 days and the same was dismissed. Aggrieved over the same, the present civil revision petition is filed.

4. The Trial Court has dismissed the application, since proper explanation for each and every day delay was not explained by the petitioner/plaintiff. The contention of the petitioner is that she did not receive proper information from the Advocate who appeared before the Trial Court. Moreover, she is an illiterate. Therefore, she could not attend the Court on the date fixed for cross-examination.



C.R.P.(MD)No.2096 of 2024

WEB COPY

5. Therefore, this Court is of the considered opinion that since the delay is only 266 days, this Court is inclined to interfere with the order. The condone the delay application is allowed and the impugned order is set aside. The 1st Additional Sub Court, Trichy, is directed to restore the suit in O.S.No.663 of 2017 and complete the said suit within a period of six months from the date of receipt of a copy of this order.

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

No costs.

16.10.2024

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

Tmg



C.R.P.(MD)No.2096 of 2024

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To

- 1.1st Additional Subordinate Court,
Trichy.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.
- 3.The District Collector,
Trichirappalli.



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C.R.P.(MD)No.2096 of 2024

S.SRIMATHY, J.

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