



C.R.P(MD)No.1648 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1648 of 2018

1.V.G.Ramdoss

2.V.G.R.Vasuki

... Petitioners /Petitioners/
Plaintiffs

Vs.

1.Murugesan

2.Saoja

3.Balakrishnan

...Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Code of Civil Procedure, to call for the records and set aside the fair and executable order, dated 11.06.2018 passed in I.A.No.59 of 2017 in O.S.No.330 of 2010 on the file of the District Munsif, Melur.

For Petitioners : Mr.N.Sathish Babu

For Respondents : No Appearance



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ORDER

The plaintiff in O.S.No.330 of 2010 on the file of District Munsif Court, Melur is the revision petitioner.

2. After the defendants have filed a written statement, the suit was dismissed for default on 27.07.2016. The plaintiff had filed I.A.No.59 of 2017 to condone the delay of 51 days in filing an application under Order 9 Rule 9 of Code of Civil Procedure. The said application was allowed on 12.04.2018 directing the plaintiff to pay a sum of Rs.500/- (Rupees Five Hundred only) to the Taluk Legal Services Committee, Melur on or before 11.06.2018. Since the condition was not complied with in time, I.A.No.59 of 2017 was dismissed automatically. Challenging the said order, the present revision petition has been filed.

3. Though the notice was served upon the respondents, there is no appearance.

4. Considering the fact that the suit is for declaration of title and permanent injunction and considering the reasons assigned by the revision petitioner, the order in I.A.No.59 of 2017 is set aside and the



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suit is restored to file on condition that the plaintiff deposits a sum of Rs.1,000/- (Rupees Thousand only) to the Taluk Legal Services Committee, Melur on or before **29.04.2024**. This Civil Revision Petition stands allowed. No costs.

5. Post on **30.04.2024** for reporting compliance.

22.04.2024

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

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To

- 1.The District Munsif,
Melur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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