



CRP.No.2688 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.2688 of 2015

N.Subbammal

.. Petitioner

Versus

1.Chandran

2.Govindasamy

3.Jothi

.. Respondents

Prayer:- Civil Revision Petition filed under Section 115 of Code of Civil Procedure, 1908, to set aside the order and decretal order dated 29.06.2012 made in I.A.No.487 of 2011 in O.S.No.98 of 2002 on the file of the Court of the Principal District Munsif, Tiruvannamalai.

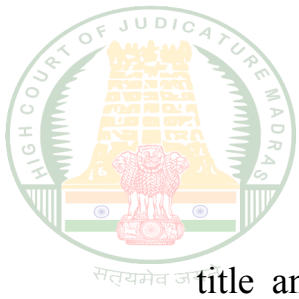
For Petitioner : Mr.T.Dhanasekaran

For Respondents : No appearance

ORDER

This revision has been filed challenging the order of the Trial Court dismissing the application in I.A.No.487 of 2011 in O.S.No.98 of 2002 on the file of the Principal District Munsif, Tiruvannamalai dated 29.06.2012.

2. The suit has been originally filed by the petitioner for declaration of



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title and recovery of possession. The suit was dismissed for default on 31.08.2009. An application for restoration of the suit was filed with a delay of 474 days and the contesting defendant made an endorsement in the application stating no objection for allowing that application. The Trial Court allowed the application subject to the payment of costs of Rs.750/-, however, the costs was not paid, therefore, the application for restoration of the suit was dismissed by the Trial Court. Challenging the said dismissal, the present revision has been filed.

3. This Court by order dated 03.07.2023 extended time for payment of costs subject to the payment of further costs of Rs. 5,000/- and it was made clear that if the costs was not paid, the revision petition will be dismissed. Unfortunately, the counsel could not report before this Court about the payment of costs. Therefore, the revision petition was dismissed on 09.08.2023. Therefore, CMP.No.11398 of 2024 was filed to set aside the dismissal of the order dated 09.08.2023. This Court vide order dated 26.06.2024 allowed the petition subject the payment of costs of Rs.10,000/- to the first defendant. As the compliance has been reported before this Court as to the payment of costs, this Court by order dated 04.07.2024 restored this revision petition.



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4. Taking note of the above facts and the contesting respondent had endorsed no objection for restoring the suit filed by the plaintiff, the enhanced costs has already been paid by the revision petitioner and this Court had already extended time for payment of original costs awarded by the Trial Court and subsequently the costs has been enhanced due to the default of the petitioner, this Court is of the view that the dismissal order passed by the Trial Court dated 29.06.2012 has to be necessarily interfered with. Accordingly, the dismissal order made by the Trial Court dated 29.06.2012 is hereby set aside and the Trial Court is directed to dispose of the main suit after giving opportunities to both sides within a period of eight weeks from the date of receipt of a copy of this Order.

5. Accordingly, this revision stands disposed of. No costs.

03.06.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
dhk

N.SATHISH KUMAR, J.,



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WEB COPY To,

- 1.The Principal District Munsif, Tiruvannamalai.
- 2.The Section Officer
VR Section, Madras High Court

C.R.P.No.2688 of 2015

03.06.2025