



C.R.P.No.671 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.671 of 2023 and CMP No.5292 of 2023

R.Radhakrishnan

.... Petitioner

Vs

K.Palanisamy

... Respondent

Revision filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 18.11.2022 passed in I.A.No.1 of 2020 in O.S.No.38 of 2018 on the file of District Munsif Court, Suler.

For Petitioner: Mr.K.Myilsamy

For Respondent: Mr.A.Tamilarasan

ORDER

The respondent herein has filed a suit in O.S.No.38 of 2018 for the relief of permanent injunction restraining the revision petitioner/defendant, his men, agent, servant or anybody from interfering with the peaceful possession and enjoyment of the suit property. The suit came to be dismissed for non-prosecution on 28.01.2019. The respondent/plaintiff took out an application in I.A.No.1 of 2020 to condone the delay of 397 days in filing the application to set aside the application to restore the suit to file. The



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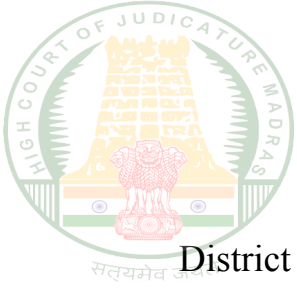
application came to be allowed by District Munsif, Sular on payment of cost of Rs.1000/- to be paid by the respondent/plaintiff to the revision petitioner/defendant. The said amount of Rs.1000/- has been deposited by the respondent/plaintiff. However, challenging the said order, the defendant has filed the present revision.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. I have gone through the impugned order as well as the pleadings which are available in the typed set of papers.

4. The trial Judge has exercised her discretion in favour of the respondent/plaintiff and thought it fit to give an opportunity to the plaintiff to prosecute the suit on merits and hence allowed I.A.No.1 of 2020 on payment of cost of Rs.1000/- and the said amount has also been deposited by the respondent/plaintiff.

5. Therefore, I do not find any infirmity in the order passed by the



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District Munsif, Suler in I.A.No.1 of 2020 dated 18.11.2022 warranting interference by this Court.

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6. In the result, the civil revision petition is dismissed. However, considering the the suit in O.S.No.38 of 2018 is filed for permanent injunction and the same is pending from 2018 onwards, the District Munsif, Suler is directed to dispose of O.S.No.38 of 2018 on merits and in accordance with law on or before 31.12.2025.

01.09.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To

The District Munsif, Suler



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P.B.BALAJI,,J

SR

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