



C.R.P(MD)No.1097 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.1097 of 2024

and

C.M.P(MD)No.6140 of 2024

Backiyalakshmi

... Petitioner / Defendant

Vs

Balasubramani

... Respondent / Plaintiff

Prayer : This Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order passed in I.A.No. 604 of 2023 in O.S.No.885 of 2022 dated 29.02.2024 on the file of the Subordinate Court, Oddanchathiram, Dindigul District.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.D.Venkatesh

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed in I.A.No.604 of 2023 in O.S.No.885 of 2022



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dated 29.02.2024 on the file of the Subordinate Court, Oddanchathiram,
Dindigul District.

2. In the petition in I.A.No.604 of 2023 which was filed to condone the delay of 505 days in filing the petition to set aside the ex parte decree passed in the main suit, it is stated that because of his illness due to jaundice, he was unable to appear before the trial Court and file the written statement, on 29.10.2021 the petitioner was set ex parte and an order was passed on 01.04.2022. In filing the petition, there is a delay of 505 days. Objections were made by the respondent stating that transfer of decree was obtained before the execution Court and the revision petitioner appeared through his advocate. Without filing a petition immediately, he filed the petition belatedly.

3. It is seen that the suit is one for recovery of money on the basis of the pro-note. Considering the nature of the suit, I am of the considered view that one more opportunity may be given to the revision petitioner to contest the main suit on merits. On that ground, without going into the other aspects, on payment of 5,000/- the petition is allowed. Apart from



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that perusal of records also shows that the revision petitioner was directed to deposit Rs.25,000/- to the credit of this number to the account of the Registrar (Judicial), Madurai Bench. The revision petitioner has complied both the conditions.

4. In view of the compliance of the order of this Court, this Civil Revision Petition is allowed and the fair and decreetal order passed in I.A.No.604 of 2023 in O.S.No.885 of 2022 dated 29.02.2024 on the file of the Subordinate Court, Oddanchathiram, Dindigul District. No costs. Consequently, connected miscellaneous petition stands closed.

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

23.01.2025

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To

- 1.The Principal District Munsif, Thoothukudi.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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