



CRP(MD). No.2325 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.2325 of 2025 and CMP(MD) No.13930 of 2025

1. Mani @ Subramani,

2. Ponnusamy

... Petitioners

Vs

Murugesan

... Respondent

PRAYER :-Civil Revision Petition filed under section 115 of Civil Procedure Code, to set aside the fair order dated 18.06.2025 in I.A.No.3 of 2025 in O.S.No.400 of 2011 on the file of the Additional District Munsif Court, Manapparai.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.M.Pitchaimuthu

ORDER

The Civil Revision Petition is filed against the fair order dated 18.06.2025 in I.A.No.3 of 2025 in O.S.No.400 of 2011 on the file of the Additional District Munsif Court, Manapparai.



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2. The petitioners are the defendants in OS No.400/2011 and the said suit was decreed exparte on 17.8.2023. The petitioner filed IA No. 3/2025 to condone the delay in setting aside the exparte decree and the delay was condoned with a cost of Rs.1,000/-, which was ordered to be paid to the respondent. Since non payment of the said amount, the delay petition was dismissed, against which, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that though the said amount of Rs.1,000/- was paid to the learned counsel, who also agreed to receive the same and handed over to the plaintiff, the learned counsel has not paid the amount and hence, for non payment, the delay application was dismissed. The learned counsel would further submit that the petitioners are ready to hand over the said amount to the respondent's counsel across the bar. Hence, the learned counsel prays for interference.

5. Head the learned counsel for the respondent on the above submissions.



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6. In view of the said submissions made and since the petitioners are ready to pay the said amount, the learned counsel for the petitioners handed over the said amount of Rs.1,000/- across the bar to the learned counsel for the respondent/plaintiff. In view of the payment of cost, the order in IA No.3/2025 is set aside and the delay is condoned.

7. The learned counsel for the respondent, at this juncture, would submit that this Court may impose reasonable cost for setting aside the exparte decree and this Court may direct the trial Court to restore the suit and dispose the same within a stipulated period.

8. Considering the said submission, the petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) before the trial Court and on such payment being made, the same shall be disbursed to the respondent/plaintiff. After payment of such cost, the suit is directed to be restored within a period of two weeks thereafter and the same shall be disposed of within a period of six months from the date of such restoration.



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9. The Civil Revision Petition is allowed in the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

22.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Additional District Munsif Court, Manapparai.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.2325 of 2025**

Date : 22/08/2025