



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty First day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CRP(MD) No.417 of 2023

and

CMP(MD)No. 2047 of 2023

K.SHOPHA

... PETITIONER/RESPONDENT/PLAINTIFF

Vs

N.NEETHIPATHI

... RESPONDENT/PETITIONER/DEFENDANT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the fair and decreetal order made in IA.No.304 of 2022 in O.S.No.31 of 2019 on the file of Principal Subordinate Judge,Tanjore dated 10/08/2022, by allowing this Revision Petition.

Prayer in CMP(MD). 2047/ 2023 :

To grant stay to all further proceedings in O.S.No.31 of 2019 on the file of Principal Subordinate Judge, Tanjore pending disposal of above said Civil Revision Petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.SAKTHIVEL, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

The present revision petition has been filed by the plaintiff in a summary suit filed under Order 37, challenging an order under which the defendant was granted leave to defend the suit.

2. According to the learned counsel appearing for the revision petitioner, summons were received by the defendant's wife on 02.02.2019. However, the learned trial Judge has erroneously found that the summons were served only on 14.06.2022 and has granted leave to defend the suit. The petitioner has made out a *prima facie*



CRP(MD)



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case. There shall be an order of interim stay till 15.03.2023

3. Notice of motion returnable by 15.03.2023. Private notice is also permitted.

4. Post on 15.03.2023.

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sd/-
21/02/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG
TO

THE PRINCIPAL SUBORDINATE JUDGE, THANJAVUR.

+1. C.C. to M/S.R.SAKTHIVEL Advocate SR.No.2563(I)

ORDER
IN
CRP(MD) No.417 of 2023
and
CMP(MD)No. 2047 OF 2023
Date :21/02/2023

PKP/SBN/SAR-2/27.02.2023/2P/3C