



C.R.P.(MD) No.1998 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(MD) No.1998 of 2022

and

C.M.P.(MD) No.9166 of 2022

S.Murugan

... Petitioner

Vs.

M.Pandi

... Respondent

Civil Revision Petition filed under 115 of the Code of Civil Procedure, 1908, to call for the records pertaining to the order dated 01.10.2021 made in E.P.No.1 of 2019 in O.S.No.43 of 2014 on the file of the District Munsif Court, Bodinayakanur and set aside.

For Petitioner : Mr.M.Maran

For Respondent : Mr.R.Suriyanarayanan

ORDER

This Civil Revision Petition has been filed to set aside the impugned order dated 01.10.2021 passed by the District Munsif Court, Bodinayakanur in E.P.No.1 of 2019 in O.S.No.43 of 2014.



C.R.P.(MD) No.1998 of 2022

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2. The petitioner is the unsuccessful defendant in O.S.No.43 of 2014 on the file of the District Munsif Court, Bodinayakanur. O.S.No.43 of 2014 was filed by the respondent for a permanent injunction. The said suit was decreed *ex parte* on 14.09.2014. Despite the suit being decreed in favour of the respondent, the petitioner appears to have disobeyed the Judgment and Decree dated 14.09.2014 of the Court in O.S.No.43 of 2014.

3. It appears that the suit was decreed *ex parte* after the petitioner had filed Written Statement. Under these circumstances, the petitioner filed I.A.No.227 of 2017 under Order 9 Rule 13 read with Section 151 of Code of Civil Procedure, 1908 to set aside the *ex parte* decree which was allowed.

4. The respondent filed E.P.No.1 of 2019 before the District Munsif Court, Bodinayakanur to arrest the petitioner since the petitioner disobeyed the Judgment and Decree dated 14.09.2014 in O.S.No.43 of 2014. The said E.P. was allowed *vide* impugned order 01.10.2021.



C.R.P.(MD) No.1998 of 2022

WEB COPY

5. Considering the fact that the *exparte* decree dated 14.09.2014 in O.S.No.43 of 2014 has been set aside in I.A.No.227 of 2017, this Court is inclined to allow this Civil Revision Petition by directing the District Munsif Court to proceed further with the trial and dispose of the suit, as expeditiously as possible. Subject to the final outcome of the suit, further proceedings may be initiated against the petitioner for the alleged violation of the court's order. Pending disposal of the suit, the impugned order ordering the arrest of the petitioner shall be kept in abeyance.

6. Accordingly, this Civil Revision Petition stands allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

19.06.2023

Internet: Yes/No
Index: Yes/ No
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To
The District Munsif Court,
Bodinayakanur.



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C.SARAVANAN, J.

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