

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2015

CORAM:

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

C.R.P. (NPD) .No.1046 of 2006

Ganapathisamy (Died)

1.Sampath Kumar

2.Anantharaj

3.Manickam

4.G.Mohan

... Petitioners/Plaintiff

Vs.

1.Maragathavalli

2.Venkidulakshmi Ammal

... Respondents/3rd & 4th Defendants

PRAYER: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the order passed in CMA No.2 of 2004 on the file of Sub Court, Pollachi, dated 14.10.2004 reversing the order passed in I.A.No.1666 of 1997 in O.S.No.500 of 1995 on the file of District Munsif Court, Pollachi, dated 13.04.1998.

For Petitioner : Mr.V.Bharathidasan

For Respondents : Mr.H.Nazirudeen for R1
R2 - Died

O R D E R

Both the learned counsel on record are present.

2.The revision petition is filed by the plaintiffs against the order thereby setting aside the ex parte decree passed against the respondents herein. The suit was decreed ex parte and a petition under Order 9 Rule 13 of the Code of Civil Procedure filed by the contesting defendants was dismissed. Against which, CMA No.22 of 2004 was filed by the defendants and the same was allowed thereby setting aside the ex parte decree and restored the suit to the file of the trial Court. Aggrieved against which, the plaintiffs have preferred the present Civil Revision Petition.

3.The present Civil Revision Petition is admitted on 18.07.2006 without granting any order of stay. In view of the same, the suit was restored to file and the trial Court disposed of the same in the regular course during the pendency of this revision. As such, nothing survives in this Civil Revision Petition and the Civil Revision Petition is hence dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Subordinate Judge,
Pollachi.
- 2.The District Munsif,
Pollachi.
- 3.The Section Officer,
V.R. Section,
High Court, Madras.

+lcc to Mr.V.Bharathidasan, Advocate, S.R.No.20434
+lcc to Mr.H.Nazirudeen, Advocate, S.R.No.20526

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MSM(CO)
CA(20/05/2015)

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