

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(NPD)No.3740 of 2015 and
M.P.No.1 of 2015

K.Devaraj

... Petitioner

vs.

1.Akilan
2.Minor Achuthanandan
3.Anjaneyalu Chetty (since died)
4.Kulla Thotti
5.Thangam
6.Murugan
7.Kannambal

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India as against the order and decreetal order passed by the learned District Munsif Court at Thirukkivilur made in O.S.No.81/97 dated 20.01.1998 in O.A.No.369 of 2014 dated 02.01.2013, now pending on the file of the Execution Court.

For Petitioner : Mr.P.Rathinavelu

ORDER

This Civil Revision Petition is filed to set aside the judgment and ex parte decree, dated 20.01.1998 made in O.S.No.81 of 1997 on the file of District Munsif Court, Thirukkivilur.

D.HARIPARANTHAMAN,J.,

svki

2. The petitioner has failed to avail the statutory remedy available to question the judgment and decree dated 20.01.1998 in O.S.No.81 of 1997. If the decree was made ex parte, the revision petitioner could very well file an application to set aside the ex parte decree i.e, the revision petitioner should have either approached the Trial Court seeking to set aside the ex parte decree or should have approached the Appellate Court.

3. Instead, the petitioner has approached this Court after 17 years and sought to question the decree passed in the year 1998, by invoking Article 227, an extraordinary remedy provided under the Constitution, which I am not inclined to exercise in the facts and circumstances of the case.

4. For the foregoing reasons, the Civil Revision Petition fails and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.09.2015

Index : Yes/No
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To
The District Munsif Court at Thirukkivilur

C.R.P.(NPD)No.3740 of 2015