

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.11.2016

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P.PD.No.2521 of 2011

and

M.P.No.1 of 2011

R.Selvi
Proprietrix,
M/s.Selvi Transport,
No.22, Dr.Ambedkar College Road,
Vyasarpadi, Chennai-600 039. ... Petitioner

- Vs -

The New India Assurance Company Ltd.,
No.2, B.R.Complex, Woods Road,
Anna Salai, Chennai-600 002. ... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 07.04.2011 and made in I.A.No.2337 of 2010 in O.S.No.8392 of 2009 on the file of the III Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.V.Bhiman
for M/s.Sampathkumar Associates

For Respondent : No Appearance

O R D E R

While making endorsement on the reverse of the memorandum of civil revision, the learned counsel for the

petitioner has submitted that the suit in O.S.No.8392 of 2009 was decreed exparte and thereafter, the respondent/defendant had filed two application, one is under Section 5 of the Limitation Act to condone the delay in filing the application to set aside the exparte decree and the other one is under Order IX Rule 13 C.P.C. to set aside the exparte decree and both the applications were allowed. As against the order passed under Section 5 of the Limitation Act, this revision is filed by the respondent/plaintiff.

2. On the other hand, challenging the correctness of the order passed under Order IX Rule 13, a Civil Miscellaneous Appeal in C.M.A.No.14 of 2012 was filed. In this connection, the learned counsel has stated that the said Civil Miscellaneous Appeal has been allowed. In pursuant to the order passed in the civil miscellaneous appeal, nothing survives in this revision and therefore, he has submitted that this revision may be dismissed as withdrawn.

3. The submission made by the learned counsel for the revision petitioner and the endorsement are recorded.

4. Keeping in view of the above fact, this Civil Revision Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2016

Index:Yes/No
Internet:Yes/No
ssn

To

1. The III Assistant Judge,
City Civil Court,
Chennai.

2. The New India Assurance Company Ltd.,
No.2, B.R.Complex, Woods Road,
Anna Salai, Chennai-600 002.

T.MATHIVANAN, J. ,

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