

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.7.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)Nos.1855, 1856 and 1857 of 2016

C. Thirumaran @ Dinesh Petitioner in all the revisions

vs

1.G. Savithiri
2.G. Chennakesavan Respondents in all the revisions

Civil Revision Petitions filed under Article 227 of the Constitution of India to direct the trial court to entertain, number the petitions filed under Section 5 of the Limitation Act; filed under Order 9 Rule 13 of CPC; and filed under Order 1 Rule 10(2) of the CPC in I.A.S.R.No.8530 of 2015 in O.S.No.84 of 2008 on the file of Subordinate Court, Dharmapuri.

For Petitioner : Mr.P. Vasudevan
for Mr.R. Prabakar

COMMON ORDER

The above Civil Revision Petitions have been filed by a third party who has filed three applications, all bearing I.A.S.R.No.8530/2015 under Order IX Rule 13 of Civil Procedure Code. The plaintiff filed a suit in O.S.No.84/2008 on the file of Sub Court, Dharmapuri for Specific Performance. The suit was decreed exparte by the trial court on 29.09.2008. Pursuant to the decree passed in the suit, the plaintiff filed an Execution Petition in E.P.No.77/2011. Thereafter, the revision petitioner filed three unnumbered applications, all bearing I.A.S.R.No.8530/2015 to set aside the exparte decree.

2. The trial Court declined to number the applications, stating that the revision petitioner is not a party to the proceedings. The return, made by the trial court, is just and proper for the reason that as a third party, he cannot directly seek to set aside the exparte decree passed in the suit. If at all, the revision petitioner is aggrieved over the decree passed in the suit, the remedy open to him is to file an

appropriate application before the Executing Court.

3. In these circumstances, I do not find any error or irregularity in the order passed by the trial court. Hence all the Civil Revision Petitions are liable to be dismissed as devoid of merits and accordingly, the same are dismissed. No costs.

13-07-2016

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Index:no
website:Yes

To

The Subordinate Court, Dharmapuri

M. DURAISWAMY,J,

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