

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.2695 of 2016

R.Sriram

... Petitioner

Vs.

C.Thangappan

... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order dated 01.07.2016 made in I.A.No.11144 of 2015 in O.S.No.2228 of 2008 on the file of the XVIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.T.V.Sekar

ORDER

Challenging the fair and final order passed in I.A.No.11144 of 2015 in O.S.No.2228 of 2008 on the file of the XVIII Assistant Judge, City Civil Court, Chennai, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.2228 of 2008 under Order37 Rule 1 of the Civil Procedure Code.

3.By judgment and decree dated 10.06.2009, the trial Court dismissed the suit finding that the plaintiff has not substantiated his case and that he had produced only two documents in support of his case. When the trial Court had dismissed the suit on 10.06.2009, the plaintiff took out an application in I.A.No.11144 of 2015 under Sections 151 & 152 of the Civil Procedure Code to rectify the error on the face of the record of the judgment and decree in 10.06.2009.

4.When the trial Court dismissed the suit finding that the plaintiff has not made out a case, the remedy open to the plaintiff is to file an appeal. Instead of filing an appeal, the plaintiff has filed an application to rectify the error on the face of the record of the judgment and decree. The applications were filed under Section 151 & 152 of the Civil Procedure Code. In the absence of any appeal being filed by the plaintiff, the present application was rightly dismissed by the trial Court.

5.I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

Index : No
Internet : Yes
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01.09.2016

To

The XVIII Assistant Judge,
City Civil Court,
Chennai.

M.DURAIWAMY,J.
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