



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P(MD)No.1041 of 2016(PD)

1.Palraj
2.Saraswathi .. Petitioners

Vs.

1.Kavitha
2.Geetha
3.Saritha .. Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 08.02.2016, in I.A.No.374 of 2015 in O.S.No.41 of 2006 on the file of the learned Subordinate Judge, Pudukkottai.

For Petitioners : Mr.D.Rameshkumar

ORDER

The petitioners are the defendants 2 & 3 in O.S.No.41 of 2016 on the file of the learned Subordinate Judge, Pudukkottai. The respondents had instituted the suit against the petitioners and others for partition and separate possession of the suit property. The petitioners were set exparte on 17.10.2006 and subsequently exparte decree was passed on 12.01.2007. Instead of challenging the exparte decree, the petitioners filed I.A.No.374 of 2015 to set aside the exparte order. The learned Subordinate Judge, Pudukkottai dismissed the application aggrieved over the same, the present petition is filed.

2.Heard the learned counsel for the petitioners and perused the materials available on record.

3. It is not in dispute that the petitioners were set exparte on 17.10.2006 and subsequently the exparte decree was passed against them on 12.01.2007. Once exparte decree is passed, the petitioners ought to have taken steps to set aside the exparte decree. However, they chose to file the application to set aside the exparte order. Hence I do not find any merits in the revision.



4. In the result, this Civil Revision Petition is dismissed. No Costs.

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/True Copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar

PJL

To

The Subordinate Judge, Pudukkottai.

+1CC to Mr.D.Ramesh Kumar, Advocate Sr.No.28098

GJM/DB/SAR-I-15.6.16-2p-3C

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