



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1363 of 2016

and

C.M.P (MD) No.6552 of 2016

N.Kathan

.. Petitioner/Petitioner/
Defendant

Vs.

The Church of South India
Trust Association,
Thiruchirappalli Thanjavur Diocess
Rep by its power agents
1. Reve Dr.A.Suresh Kumar
Diocesan Treasurer

2. Rev. S.Tilak Samuel
Clerical Secretary

.. Respondents/Respondents/
Plaintiffs

PRAYER: Petition is filed under Section 115 of Code of Civil Procedure, to set aside the order and decreetal order dated 17.02.2015 in I.A.No.934 of 2014 in O.S.No.1329 of 2006 on the file of the learned Principal District Munsif, Thiruchirappalli and allow the Civil Revision Petition.

For Petitioner : Mr.R.Vijayakumar
For Respondents : Mr.Balamurugapandi

O R D E R

This Revision arises out of the order passed by the learned Principal District Munsif, Thiruchirappalli, in I.A.No.934 of 2014 in O.S.No.1329 of 2006.

2. Mr.R.Vijayakumar, learned counsel for the petitioner would submit that this Revision has been filed to set aside the ex-parte order passed against the petitioner dated 17.02.2015 and subsequently, an ex-parte decree was passed in the suit.



Challenging the order made in the petition to set aside the ex-parte decree, the petitioner has filed an appeal before the Subordinate Court, Thiruchirappalli in C.M.A.No.30 of 2015 and only by way of abundant caution, this Revision is filed.

3. Heard the learned counsel appearing for the respondent and perused the records.

4. It is not in dispute that an ex-parte decree was passed in the suit. It is settled law that once suit is decreed ex-parte decree, the defendant need not challenge the ex-parte order and an appeal has been rightly preferred questioning rejection of the prayer to set aside ex-parte decree. In view of the above facts, this Revision is dismissed as infructuous. It is needless to say that the Appellate Court shall dispose of the appeal on merits in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To
The Principal District Munsif Court,
Thiruchirappalli.

+1cc to M/s.R.Vijaya kumar, Advocate in SR.no.35139
+1cc to M/s.D.Balamurugapandi, Advocate in SR.No.35375

SDR/SKS-RR/22.07.2016/2P/4C

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