



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

C.R.P.(PD)No.1449 of 2016
and C.M.P.(MD) No.7112 of 2016

Subramani ... Petitioner/Applicant/Defendant

Vs.

Dhanalakshmi ... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the fair and decretal order dated 28.04.2016 in I.A.No.350 of 2015 in O.S.No.649 of 2008 on the file of the Principal District Munsif, Karur.

For Petitioner : Mr.Raguvaran Gopalan

O R D E R

This revision is directed against the order of the learned Principal District Munsif, Karur, passed in I.A.No.350 of 2015 in O.S.No.649 of 2008.

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

3. The respondent filed the suit against the petitioner for partition and separate possession. The petitioner received summons in the suit and also filed his written statement on 06.02.2009. Subsequently, when the suit was taken up for trail, the petitioner did not take part in the proceedings and an ex-parte decree was passed against him on 12.09.2012.

4. An application was filed to set aside the ex-parte decree in time. The same was returned to rectify some defects. There was a delay in re-presenting the set aside petition. So, another application was filed to condone the delay of 962 days in re-presenting the petition. In the meanwhile, the plaintiff filed I.A.No.1250 of 2013 for passing of final decree. In the final decree proceedings also, the petitioner was absent and an ex-parte final decree was passed on 05.04.2016.



5. The learned District Munsif, taking into consideration of the fact that the final decree was already passed in the suit, dismissed the application. I do not find any perversity in the order warranting interference of this Court.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7112 of 2016 is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

The Principal District Munsif, Karur.

CM

ja-db-20.09.2016/2p:2c

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