

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

C.R.P.(NPD).No.4291 of 2017
and CMP.No.20193 of 2017

The General Manager,
Southern Railways,
Chennai.

..Petitioner

Vs.

1. Vasanthi
2. Minor.Priyadharshini
3. Minor.Ragavi
4. Minor.Balaji

(2, 3 and 4 represented by their mother and
Natural Guardian Vasanthi)

5. Vivekanandhan
6. Kamalammal
7. Kulasekara Chetty
8. Balaji
9. Gajapathy
10. Samiraj
11. Babu
12. Nethaji

- 13.The District Collector,
Tiruvallur Town and Taluk,
Tiruvallur District.

..Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the

Constitution of India to direct the Learned I Additional District Judge at Thiruvallur to number the Petition and dispose of the same on merits filed by the petitioner in I.A.Diary No.537 of 2017 in O.S.No.125 of 2011.

For Petitioner : Mr.M.Vijay Anand

ORDER

According to the revision petitioner, the respondents 1 to 6 have filed a suit in OS.No.125 of 2011 against the revision petitioner and others. In the aforesaid suit, ex-parte decree was passed. According to the revision petitioner, only on receipt of EP notice, the revision petitioner came to know about the ex-parte decree. Hence, the revision petitioner has filed an application to set aside the ex-parte decree. The trial court has returned the papers with endorsement how the petition is maintainable since decree was passed. Without re-presenting the papers, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. At this stage, this Court cannot entertain the Civil Revision Petition. However, liberty is granted to the revision petitioner to re-present the papers to the court below within a period of two weeks. Further, if it is in order and the court below is satisfied, the same shall be numbered and the matter may be

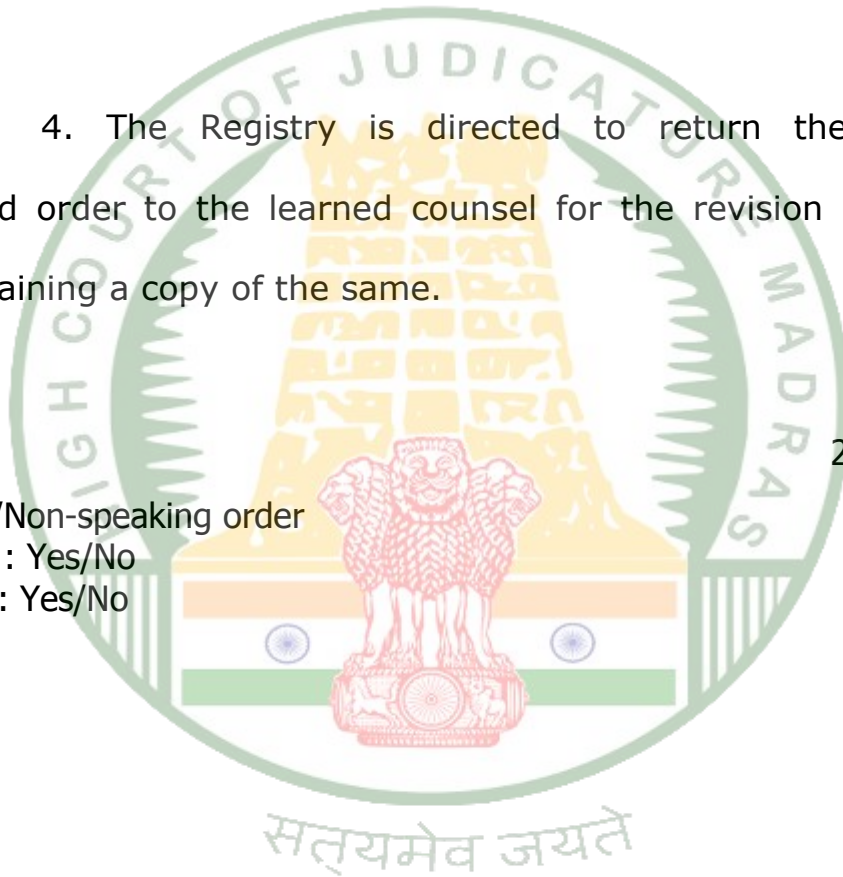
decided in accordance with law.

3. The Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

4. The Registry is directed to return the original impugned order to the learned counsel for the revision petitioner after obtaining a copy of the same.

23.11.2017

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok



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D.KRISHNAKUMAR. J,

lok

To

The Learned I Additional District Judge,
Thiruvallur.



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