



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

C.R.P. (PD) (MD) .No.265 of 2010

and

M.P. (MD) No.1 of 2010

C.Pandiammal : Petitioner/Respondent/Plaintiff

Vs.

Mrs.S.A.Rani : Respondent/Petitioner/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records pertaining to the order dated 22.10.2009, made in I.A.No.350 of 2009 in O.S.No.380 of 2006 on the file of the First Additional Subordinate Court, Madurai and to set aside the same.

For Petitioner : Mr.R.Rajamohan

For Respondent : No Appearance

O R D E R

The application filed by the respondent to set aside the *exparte* decree after condoning the delay of 463 days was allowed by the Trial Court. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that it was only after receiving the notice in the Execution Petition, the respondent filed an application. The Trial Court was, therefore, not correct in allowing the application.

3. The documents available on record indicate that the Trial Court passed an *exparte* decree for recovery of money, at the instance of the petitioner. The respondent, in her application before the Trial Court in I.A.No.350 of 2009, indicated the reasons for her absence and the resultant action taken by the Trial Court to declare her *exparte* followed by an *exparte* decree. The application was allowed on the basis of the background facts. There is no illegality or irregularity in the said order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India. I am, therefore, of the view that the Civil Revision Petition lacks merit.



4. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

The First Additional Subordinate Court,
Madurai.

SML

MAS/JC/SAR2:31.08.2017:2P-2C

Order made in
C.R.P. (PD) (MD) .No.265 of 2010
Dated:
09.08.2017