



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM :

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P.(MD).No.878 of 2017

Jacob George

..Petitioner/1st Respondent/Plaintiff

Vs.

1.Paulraj

..1st Respondent/Petitioner/3rd Defendant

2.Lawrence

3.Eric Lawrence

..Respondents 2&3/Respondent 2&3/
Defendants 1&2

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 18.11.2016 made in I.A.No.496 of 2016 in O.S.No.462 of 2013 on the file the First Additional District Munsif, Kuzhithurai.

For Petitioner : Mr.E.K.John Victor Ellis

ORDER

This Civil Revision Petition has been filed under Article 227 of Constitution of India, aggrieved by the order passed by the First Additional District Munsif, Kuzhithurai in I.A.No.496 of 2016 in O.S.No.462 of 2013, dated 18.11.2016, which was filed by the 3rd defendant in the suit under Order 9 Rule 7 and Section 151 of CPC. A perusal of the impugned order indicates that the third defendant was set ex-parte in the suit on 03.06.2014 due to the non filing of written statement within the prescribed time. He filed an application seeking to set aside the ex-parte order along with the written statement. Taking note of the fact that after the ex-parte order passed against third defendant on 03.06.2014, the revision petitioner herein, who is the plaintiff in the suit, allowed the suit itself to be dismissed for default on 05.11.2015 and same was later restored to file on 20.08.2016. The revision petitioner herein / plaintiff who is aggrieved against the order passed under Order 9 Rule 7 and Section 151 CPC to set aside the ex-parte order passed against the third defendant himself has defaulted and allowed the suit to be dismissed, therefore. To give an opportunity, the court has restored the suit and allowed the application filed by the third defendant to set aside the ex-parte order passed against him.



2.This Court finds no error in the impugned order to entertain the Civil Revision Petition. Hence, the Civil Revision Petition is dismissed. No costs.

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/True Copy/

Sd/-
Assistant Registrar(CS-I)

Sub Assistant Registrar

To

The First Additional District Munsif,
Kuzhithurai.

+1cc to Mr.E.K.JOHN VICTOR ELLIS Advocate in SR. No.53191

CP/SM

JS/JC/3.05.2017/2P-3C

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