

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE M.S. RAMESH

C.R.P.No. 2441 of 2018
and C.M.P.No.14972 of 2018

V.Ramalingam

..Petitioner

-Vs-

Ponnaiyan @ Ponnusamy

..Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to allow the Civil Revision Petition by setting aside the Fair and Decretal Order of the Sessions (Fast Track Mahila) Judge at Namakkal, dated 04.12.2017 in I.A.No.322 of 2017 in O.S.No.197 of 2016.

For Petitioner : Ms. B.Shivani

For Respondent : Mr.K.K.Senthilvelan

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 04.12.2017 made in I.A.No.322 of 2017 in O.S.No.197 of 2016 on the file of the Sessions (Fast Track Mahila Court) at Namakkal.

2. When the matter was called on 24.09.2018, though this Court has dismissed the Civil Revision Petition, this Court has not signed the order and the Civil Revision Petition is now listed under the caption "for being spoken to" and it is being disposed of today by the following order:

3. Today, when the matter is called, it is submitted by the learned counsel for the respondent that the main suit in O.S.No.197 of 2016 on the file of the Fast Track Mahila Court, has been dismissed for default on 14.02.2018.

4. The learned counsel for the petitioner made a request to keep the Civil Revision Petition pending, since he has already filed an application seeking for restoration of suit and the same is pending.

5. In my view, the present Civil Revision Petition need not be kept pending, when the suit itself had been dismissed for default. Nevertheless, if liberty is granted to the petitioner to file a fresh Civil Revision Petition against the same order passed by the Sessions Court (Fast Track Mahila Court), Namakkal in I.A.322 of 2017 in O.S.No.197 of 2016, in case, the suit is restored, the ends of justice would be met. Hence, the Civil Revision Petition stands dismissed, with liberty to the petitioner to file a fresh Civil Revision Petition for the same cause of action, in case, the suit comes to be restored at the later stage. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

The Sessions (Fast Track Mahila) Judge,
Namakkal

+lcc to Mr.P.Valliappan, Advocate sr.no.69099

+lcc to Mr.K.K.Senthilvelan, Advocate sr.no.69811

C.R.P.No. 2441 of 2018
and C.M.P.No.14972 of 2018

nr 29/10/2018

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