

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (PD) No.1430 of 2016

and

C.M.P.No.7865 of 2016

Umadevi Sundaram Petitioner

..Vs..

1.M.K.Ponnusamy
2.P.Tamilselvi Respondents

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, against the fair and decretal order dated 10.03.2016 in I.A.No.751 of 2013 in O.S.No.57 of 2008 on the file of the Subordinate Judge, Namakkal.

For petitioner : Mr.D.Shivakumaran
For Respondents : Mr.S.Kalyananraman

ORDER

Challenging the fair and decretal order dated 10.03.2016 in I.A.No.751 of 2013 in O.S.No.57 of 2008 on the file of the Subordinate Judge, Namakkal, the present Civil Revision Petition has been filed.

2. The petitioner has filed a suit in O.S.No.57 of 2008, on the file of the Sub-Court, Namakkal, praying for recovery of money. In the aforesaid suit, the respondent was set aside and an ex parte decree was passed. The respondent has filed an application in I.A.No.751 of 2013, on the file of the subordinate Judge, Namakkal, praying to set aside the ex parte decree. The aforesaid application was allowed by the Court below imposing cost of Rs.1000/-. Challenging the aforesaid order, the present Civil Revision Petition has been filed before this Court.

3. The learned counsel for the petitioner has objected for allowing the said application on the ground of limitation. But, without considering the said objection of the petitioner, the Court below has allowed the said application.

4. Per contra, the learned counsel for the respondent has submitted that the said application has been filed by the respondent within the time. Therefore, no prejudice would be caused to the petitioner and the same shall be adjudicated on merits. Therefore, there is no illegality or irregularity in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

31.01.2018

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To
The Subordinate Judge, Namakkal.



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D.KRISHNAKUMAR, J.,

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