



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD) (MD)No.546 of 2018

1. P.Palanichamy
2. P.Panchavarnam
P.Masilamani (died)
P.Dhanushkodi (died)
3. M.Muthulakshmi
4. M.Manimaran
5. M.Thenmozhi
6. M.Meenadevi
7. M.Premanand
8. M.Dhanalakshmi
9. M.Senthilmurugan
- 10.M.Sridevi
- 11.M.Kirubakaran ..(Petitioners 3 to 11 are LRS of the Deceased
P.Masilamani)
- 12.D.Dhavamani
- 13.D.Hariharan
- 14 D.Gopinath
15. D.Meena
- 16.D.Aruna
...(Petitioners 12 to 16 are LRS of the Deceased
P.Dhanuskodi)
..... Petitioners/ Petitioners/Defendants 1,2

Vs.

1. Suseela @ Marudhai
2. Thirumagal @ Meenal
3. Mahalakshmi
4. Savithri @ Balasaraswathy
- 5.Madhavan @ Madhavarajan ... Respondents /
Respondents/Plaintiffs 1 to 5
6. Kalaiyar Servai ... Respondent/Respondent/1st Defendant

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 10.06.2016 passed in I.A.No.375 of 2015 in O.S.No.228 of 2008 on the file of Ist Additional Sub Judge, Madurai.

For Petitioners : Mr.A.Sivaji

For Respondents : No appearance

**ORDER**

The Civil Revision Petition is filed against the order passed by the learned Sub Judge, Madurai in I.A.No.375 of 2015 in O.S.No.228 of 2008, dated 10.06.2016.

2. Heard the learned counsel for the petitioners and perused the materials placed before this Court.

3. Challenging the order passed in I.A.No.375 of 2015, which was filed by the petitioners under Order VII Rule 11 of C.P.C., and the same was dismissed on 10.06.2016, the Civil Revision Petition is filed under Article 227 of the Constitution of India, after two years. It is made clear that the suit was already disposed of by way of ex-parte on 22.07.2016 itself. As on today, the suit is not pending, since ex-parte decree was passed on 22.07.2016.

4. It is represented by the learned counsel for the petitioners that already they have filed an application Order 9 Rule 13 of C.P.C., for setting aside the ex-parte decree.

5. In view of the above, the Civil Revision Petition is dismissed as infructuous by giving liberty to the petitioners to pursue the said application filed under Order 9 Rule 13 of C.P.C. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To
The 1st Additional Sub Judge,
Madurai.

Copy to:

1.The Section Officer,
E.R.Section,
Madurai Bench Of Madras High Court,
Madurai.

2.The Section Officer,
V.R.Section,
Madurai Bench Of Madras High Court,
Madurai.(2 copies)

+1cC to Mr.A.Sivaji Advocate in Sr.No.74024.

AKV

DS SKN SAR-3 :29.08.2018: 2P/6C