



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

REV.APLW[MD]No.186 of 2018

in

C.R.P.PD[MD]No.534 of 2017

and

C.M.P.[MD]No.11451 of 2018

Geetha Anand

: Petitioner/ Respondent

Vs.

1.R.Alagukumar

2.S.R.Subbiah

: Respondents/ Petitioners

PRAYER: Review Application filed under Order 47 Rule 1 r/w. Section 114 of the Civil Procedure Code, praying to set aside the order rendered by the Court in C.R.P.(PD)(MD)No.534 of 2017 dated 04.10.2018 and allow the review petition.

PRAYER C.R.P. (PD) (MD)No.534 of 2017:

Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.10.2014 made in I.A.No.199 of 2014 in O.S.No.47 of 2012 on the file of Distict Munsif Cum Judicial Magistrate Court, Bodinayakkanur and allow this revision.

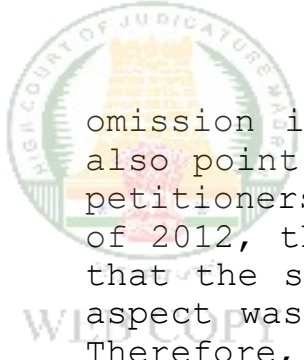
For Petitioner : Mr.R.Suriyanarayanan

O R D E R

C.R.P.[PD][MD]No.534 of 2017, filed by the plaintiffs in O.S.No.47 of 2012, on the file of the District Munsif Court, Bodinayakkanur, was dismissed by me on 04.10.2018. To review the same, the respondent in the Civil Revision Petition has filed this petition.

2.I am of the view that the respondent has no locus standi to file this review petition, because the Civil Revision Petition ended in her favour. Therefore, this review petition is dismissed.

3.But then, the learned Counsel for the petitioner pointed out <https://hservices.ecourts.gov.in/hservices/> passed against the dead person was the order setting aside the ex-parte decree. There is a typographical



omission in paragraph No.4 and the same is clarified. He would also point out that even though, this Court permitted the revision petitioners to get themselves impleaded as plaintiffs in O.S.No.47 of 2012, the case bundle is presently not available and it appears that the said suit was dismissed for default on 08.09.2015. This aspect was not brought to my notice by the revision petitioners. Therefore, the direction given by this Court will come into play only on the said suit being restored. If the case bundle is missing, with the permission of the Court below, it can be re-constructed.

4.With these observations, the Review Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

THE DISTICT MUNSIF CUM JUDICIAL MAGISTRATE,
BODINAYAKKANUR.

+1CC TO Mr.R.SURIYANARAYANAN, Advocate, Sr No.96621

ORDER MADE IN

REV.APLW[MD]No.186 of 2018

23.11.2018

MR

MS/VR-MMS/SAR-4/26.11.2018/2P.3C