

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:28.01.2019

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Review Application (MD) No. 189 of 2018
& C.M.P(MD).No.11757 of 2018
in C.R.P (MD) No. 1912 of 2018

K.Murugesan,
S/o.Kandhasamy,
12 Chettipettai Street,
Woraiyur,
Tiruchirapalli.

... Petitioner

Versus

R.Gunasekaran,
S/o.Late Rengarajan (Rengaraju)
No.12, Vellalar Street,
Woraiyur,
Trichy-620 003.

... Respondent

PRAYER: Review Application is filed under Order 47 Rule 1 and 2 of Civil Procedure Code, to call for records pertaining to the order dated 27.06.2018 made in I.A.No.400 of 2017 in O.S.No.60 of 2015 on the file of the Third Additional District Judge, Tiruchirapalli.

Prayer in CMP(MD). 8311 of 2018 :

To stay all further proceedings in E.P.No.92 of 2017 in O.S.No.60 of 2015 on the file of the III Additional District Judge, Trichy till the disposal of the above CRP.

Prayer in CRP(MD). 1912 of 2018 :

To call for the records pertaining to the order dated 27.06.2018 made IA.No.400 of 2017 in OS.No.60 of 2015 on the file of the III Additional District Judge, Trichy and set aside the same.

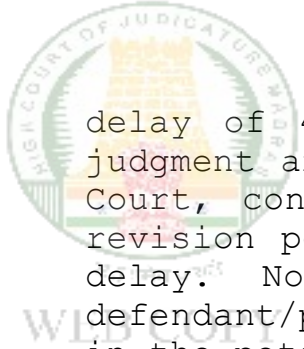
For Petitioner : Mr.A.Haja Mohideen

ORDER

(This case is taken up through Video Conference)

<https://hcservices.ecourts.gov.in/hcservices/>

The Trial Court dismissed the application to condone the



delay of 423 days in filing petition to set aside the *exparte* judgment and decree. The revision petition was dismissed by this Court, confirming the order of the Trial Court holding that the revision petitioner has not properly explained the reason for the delay. Now the Review Petition is filed, canvassing merit of the defendant/petitioner case in the suit, which cannot be gone into in the petition to condone delay.

2. After hearing the submissions made by the learned counsel for the review petitioner and on perusing the records, this Court finds no ground available to review the earlier order passed in the revision petition.

3. However, if any appeal against the judgment and decree passed in the trial Court in O.S.No.60 of 2005 is filed, the trial Court shall consider that appeal on its own merits without being prejudice by any observation made in the revision petition. In the result, the **Review Application is dismissed**. Consequently, Connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To,
The Third Additional District Judge, Tiruchirapalli.

bsm

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KM/ (28.02.2019) 2P 2C