



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

C.R.P. (PD) (MD) No.1809 of 2015

and

M.P. (MD) No.1 of 2015

1.K.Kathirvel

2.K.Balamuruganandam

3.K.Vetrivel Kannan

... Petitioners

Vs.

1.K.Gunasekaran

2.K.Murali

3.ICICI Bank

South Masi Street Branch,
represented by its Branch Manager,
Madurai.

... Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and executable order dated 13/01/2015 passed in I.A.No.738 of 2012 in O.S. No.296 of 2010 on file of the Principal Subordinate Judge, Madurai.

For Petitioners : Mr.T.R.Jeyapalam

For R1 : Mr.V.Ramakrishnan

For R2 & R3 : No appearance

O R D E R

This civil revision petition has been filed to set aside the fair and executable order dated 13/01/2015 passed in I.A. No.738 of 2012 in O.S. No.296 of 2010 on file of the Principal Subordinate Judge, Madurai.

2.The learned counsel for the revision petitioners states <https://hcs.judges.ecourts.gov.in/hcservlet/hcs/servecase.do> instructions received from his parties, the suit itself was dismissed for default and since a petition for restoration has already been filed before the said Court, suitable



direction may be issued to the Court below to restore the suit and hear the same on merits.

3. Heard both sides.

4. From the submission of the learned counsel for the petitioners, it is seen that the suit itself had already been dismissed for non prosecution and hence, this Court is of the view that nothing survives for further adjudication in this petition. Since it is represented by the learned counsel for the petitioners that the restoration petition was also filed before the Court below, this civil revision petition is closed, with a direction to the learned Principal Subordinate Judge, Madurai to consider the petition, if any, filed for restoration of the suit and to pass orders thereon on merits and in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Madurai.

+ 1 cc TO Mr.V.Ramakrishnan , Advocate in SR No. 59823
+ 1 cc TO Mr.T.R.Jeyapalam , Advocate in SR No. 59483

mm

AE/JC/SAR2/19.04.2018/2P/4C

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