



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.2223 of 2017 (PD)
and
CMP(MD)No.10875 of 2017

Shanmugavel

... Petitioner/Defendant

Vs.

Ramaiah

... Respondent/Plaintiff

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the Judgment and decree dated 09.06.2010 in OS.No.14 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Keeranur and allow this Civil Revision with costs throughout.

For Petitioner : Mr.K.Balasundharam
For Respondent : Mr.P.Ganapathi Subramaniam

ORDER

Heard the learned counsel on either side.

2.The respondent filed O.S No.14 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Keeranur. It was a suit for specific performance. It was decreed as exparte on 09.06.2010. To set aside the exparte decree, the revision petitioner took out an application. There was a delay in filing the said application. To condone the same, I.A.No.527 of 2013 was filed. The said I.A was dismissed by order dated 09.09.2016. Questioning the same, a Civil Revision Petition was filed before this Court in CRP(MD)No.182 of 2017. This Court by order dated 31.01.2017 dismissed the said Civil Revision Petition. Thereafter, this civil revision petition has been filed questioning the said decree itself.

3.As rightly pointed out by the learned counsel appearing for the respondent, the very filing of the Civil Revision Petition is an abuse of legal process. That apart, the judgment and decree passed on 09.06.2010 cannot be challenged by way of a Civil Revision Petition in January, 2017. If at all the revision petitioner should have filed an appeal. In any event, this Civil Revision Petition is not maintainable.



4. Accordingly, this Civil Revision Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The District Munsif cum Judicial Magistrate,
Keeranur.

+ 1 CC TO Mr.K.BAALASUNDHARAM, ADVOCATE IN SR No. 78700
+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 78469

SKM
TE/SKN/SAR-1 : 10/09/2018 : 2P/4C

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