



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.2400 of 2017
and
C.M.P.(MD).No.11424 of 2017

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
- 12.D.Dhavamani
- 13.D.Hariharan
- 14.D.Gopinath
- 15.D.Meena
- 16.D.Aruna

... Petitioners/Defendants

Vs.

1. Suseela @ Marudhai
2. Thirumagal @ Meenal
3. Mahalakshmi
4. Savithri @ Balasaraswathy
5. Madhavan @ Madhavarajan
- 6.Kalaiyar Servai

...Respondents/Plaintiffs.

.. Respondent/Respondent/1st

Defendant

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the judgment and decree dated 22.07.2016 in O.S.No.228 of 2008 on the file of Subordinate Court, Melur Camp, Melur.

For Petitioners: Mr.A.Sivaji
For R1 to R5 : Mr.T.R.Jeyapalam
For R6 : No appearance

ORDER

The Civil Revision Petition is filed challenging the order of ex-parte decree dated 22.07.2016 in O.S.No.228 of 2008 on the file of Subordinate Court, Melur Camp, Melur.



2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. Admittedly, the petitioners have no right to challenge the ex-parte decree under Article 227 of the Constitution of India on the ground that they are having the remedy under Order 9 Rule 13 of Civil Procedure Code. They should file an application under Order 9 Rule 13 of Civil Procedure Code to set aside the ex-parte decree before the trial Court. Without doing so, they filed the present Civil Revision Petition and the same is not at all maintainable. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1.The Subordinate Judge,
Melur Camp,
Melur.

2.The Section Officer,
ER.Section,
Madurai Bench Of Madras High Court,
Madurai.

3.The Section Officer,
VR.Section,
Madurai Bench Of Madras High Court,
Madurai.(2Copies)

+1CC to MR.A.Sivaji Advocate in Sr.No.74023.

+1CC to MR.T.R.Jeyapalam Advocate in Sr.No.74108.

AKV

DS SKN SAR-3 ;29.08.2018; 2P/7C

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