



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.08.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (MD) (PD) No.1952 of 2016 and
C.M.P. (MD) .No.9216 of 2016

S.Amudha

.. Defendant/Petitioner

vs.

K.R.Sureshkumar

.. Respondent/ Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the exparte preliminary judgment and decree dated 23.12.2015 made in O.S.No.11 of 2015 on the file of the District Court, Sivagangai.

For Petitioner : Mr.R.Prabhakaran

ORDER

The respondent herein had filed O.S.No.11 of 2015 on the file of the learned District Judge, Sivagangai. An exparte preliminary decree was passed on 23.12.2015. Questioning the same, this civil revision petition has been filed.

2. When the matter was taken up for hearing, it is submitted that the revision petitioner had passed away. This Court is of the view that the proper remedy available to the parties concerned would be to apply for setting aside the exparte decree or file first appeal. Filing civil revision petition under Article 227 of the Constitution of India, is not the proper remedy. In this view of the matter, reserving the rights of the LRs of the revision petitioner to take out appropriate steps in accordance with law, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The District Judge, Sivagangai District.

PJL

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TE/RSK/SAR-2 : 06/09/2018 : 1P/2C

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