



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP(PD) (MD) .No.2541 of 2018

and

C.M.P. (MD) .No.11186 of 2018

V.Saravana Devi

...Petitioner / 3rd Party

Vs.

Ramaraj

.. Respondent / Respondent / 2nd Defendant

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records and set aside the order in petition in I.A.Nos.1045 of 2008 in O.S.No.304 of 2007, dated 25.01.2017, on the file of the District Munsif Court, Vedasandhur, as nonest in law and allow the Civil Revision Petition.

For Petitioner : Mr.T.S.R.Venkataramana

O R D E R

The petitioner challenges the order dated 25.01.2017, in and by which, the Trial Court had condoned the delay of 215 days in filing the application to set aside the exparte order made in O.S.No.304 of 2007, dated 28.03.2008.

2. The said order came to be passed after a paper publication was effected stating that the plaintiff in the said suit had died without leaving behind any legal representatives. The petitioner is a third party to the suit and claims that he purchased the property even prior to the suit. It is also claimed that the respondent herein who is the defendant in O.S.No.304 of 2007, has filed suit in O.S.No.156 of 2012, as against the petitioner herein with reference to the same property. Alleging that the respondent who was aware of the purchase, caused a paper publication stating that the plaintiff in O.S.No.304 of 2007 died without leaving behind any legal representatives, the petitioner has come forward with this Civil Revision Petition.

3. The proper remedy available to the petitioner is to approach the Trial Court with an application for impleading and to set aside the order impugned in this Revision Petition. In as much as the petitioner is not a party to the proceedings before the Trial Court in O.S.No.304 of 2007, this Civil Revision Petition cannot be

4. Hence, this Civil Revision Petition is dismissed leaving it open to the petitioner to approach the Trial Court seeking to implead himself and seek necessary orders to set aside the order dated 28.03.2008. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The District Munsif, Vendasandhur.

+ 1 CC TO Mr.T.S.R.Venkataramana, ADVOCATE IN SR No.95702.

TSG

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