

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM :

THE HON'BLE MS. JUSTICE P.T.ASHA

C.R.P. (NPD) No.785 of 2019

and

C.M.P. No.5166 of 2019

1.Tamilarasi
2.Jambulingam
3.Sekar
4.Jeeva @ Jeevanusha
5.Banupriya

... Revision Petitioners

Vs.

1.Ezhumalai
2.Velu
3.Subramanian
4.Kalaiyarasi
5.Thangavel
6.Ananth
7.Krishnamoorthy

... Respondents

सत्यमेव जयते

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the fair and decretal orders dated 02.07.2018 passed in I.A.No.7 of 2018 in A.S.No.6 of 2018 on the file of the Additional Sub Court, Vridhachalam.

For Petitioners : Mr.T.Sezhian

ORDER

The above Civil Revision Petition has been filed, challenging the order passed by the learned Additional Subordinate Judge (FAC), Vridhachalam, rejecting the application filed by the revision petitioners herein, for dispensing with the service of notice to respondents 3,5,8 to 12, as they have remained *exparte* in the original suit.

2.A perusal of the decree would reveal that the above said parties have remained *exparte*. Therefore, applying the provisions stated in proviso of Order 41 Rule 14(2) of the Code of Civil Procedure, the learned Judge ought to have dispensed with the service of notice to the said parties.

3.Hence, the order of the learned Additional Subordinate Judge (FAC), Vridhachalam, made in I.A.No.7 of 2018 in A.S.No.6 of 2018, is set aside and service of notice to the respondents 3,5,8 to 12 therein, is dispensed with.

4.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.02.2019

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Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order

To

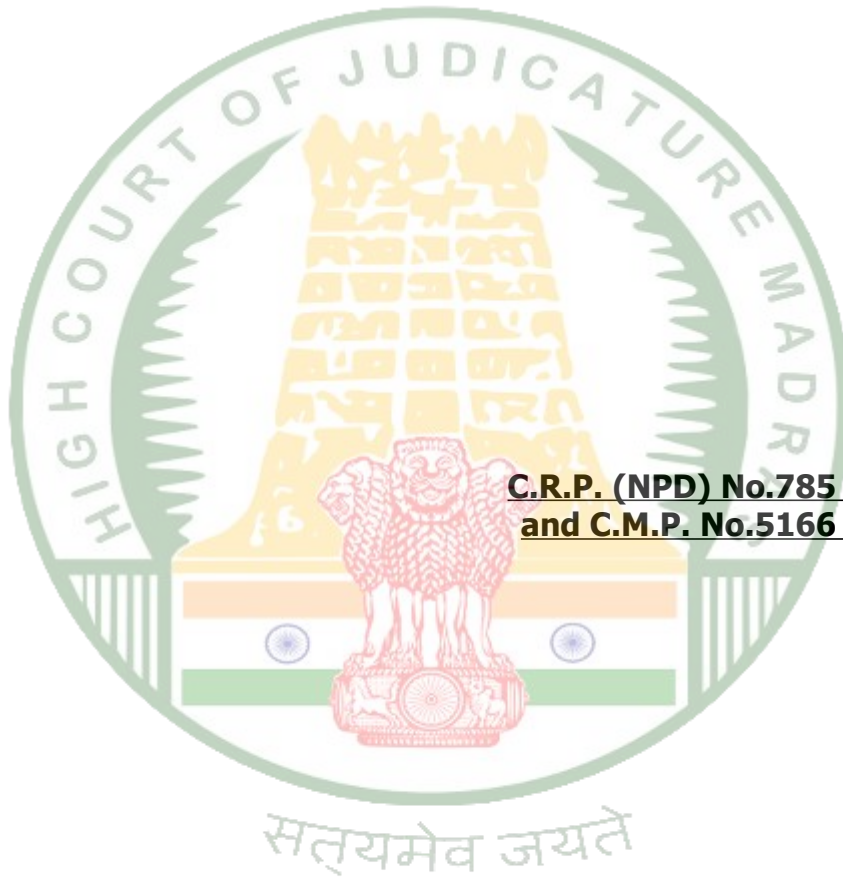
The Additional Subordinate Judge,
Vridhachalam.



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P.T.ASHA, J.

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