

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.425 of 2019

and

C.M.P.No.2876 of 2019

N. Senthilkumar

... Petitioner

Vs

Pavayi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 06.12.2018 made in I.A.No.2924 of 2018 in O.S.No.212 of 2013 on the file of the learned IV Additional District and Sessions Judge, Bhavani, Erode District.

For Petitioner : Mr.V. Anandha Murthy

ORDER

The above application is filed challenging the order of the learned IV Additional District and Sessions Judge, Bhavani, Erode District, in I.A.No.2924 of 2018 in O.S.No.212 of 2013, in and by which the learned Judge has dismissed the application filed by the revision petitioner, who is the 2nd defendant in the suit, to set aside the *ex parte* order passed against him on 10.11.2016.

2.The only reason that is given, seeking to set aside the above *ex parte* decree is that several amendments had taken place and therefore, the *ex parte* order has to be set aside and that he has to counter the amendments that had been made by the plaintiff to the original Plaint. A perusal of the amended Plaint would show that the amendments had been made only after the revision petitioners/defendants had been set *ex parte*. It is further seen that from 10.11.2016, the revision petitioner has been watching the proceedings without moving a little finger

to set aside the *ex parte* order passed against him. Though the learned Judge was continuing with the proceedings for hearing of the suit, the impugned application has been moved only when the matter was posted for trial and two orders have been passed against him. Thereafter, the petitioner has not shown sufficient cause for setting aside the said *ex parte* order dated 10.11.2016. The learned District Munsif has rightly rejected the said petition. I find no infirmity in the order dated 06.12.2018 passed by the learned IV Additional District and Sessions Judge, Bhavani, Erode District in I.A.No.2924 of 2018 in O.S.No.212 of 2013.

This Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

06.02.2019

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Index : Yes/No
Internet : Yes/No
mps

P.T. ASHA, J,

mps

To

The IV Additional District and Sessions Judge,
Bhavani,
Erode District.



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