

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (NPD) No.1784 of 2012 &

M.P.No.1 of 2012

1. Mrs.Rajakumari
2. Ms.Jayaraman

.. Petitioners

Vs.

1. Mrs.Punithavathi (deceased)
 2. Ms.Umadevi
 3. Mr.T.C.Sankar
- (Respondents 2 and 3 recorded as Lrs of the deceased R1 vide Order of Court dated 28.06.2012 made in CRP(NPD) No.1784 of 2012)

.. Respondents

PRAYER: Civil Revision Petition filed under 227 of Constitution of India against the Order of the learned X Assistant City Civil Judge, Chennai dated 19.03.2012 made in E.A.No.4175 of 2004 in E.P.No.2034 of 2002 in O.S.No.1851 of 1989.

For Petitioners : Ms.G.Sumitra

For Respondents : Mr.A.Asokar – R2 & R3

ORDER

This revision has been filed as against the Petition and Order of the Execution Court.

2. The main contention of the revision petitioners is that on 21.01.2011, though notice served, they have not been set exparte. However, in the subsequent adjudication on 19.3.2012, they have been shown as exparte as though they have been set exparte on 21.01.2011. Therefore, the Order of the trial Court is required to be interfered.

3. On a perusal of the Order dated 29.01.2011, it appears that R2 and R3 have been served and R4 have not been served. Therefore, the trial Court has sent fresh notice and directed the decree holder to pay batta. R3 and R4 have not been set exparte on the that day. However, on 19.03.2012, the Court recorded as if R2 and R3 have been set exparte on 21.03.2011. Challenging the same, the present revision has been filed.

4. At the outset, I am of the view that such daily Orders, cannot be challenged in the revision. The revision petitioner ought to have approached the trial Court and filed an application to set aside the exparte Order. Therefore, the above Order cannot be challenged.

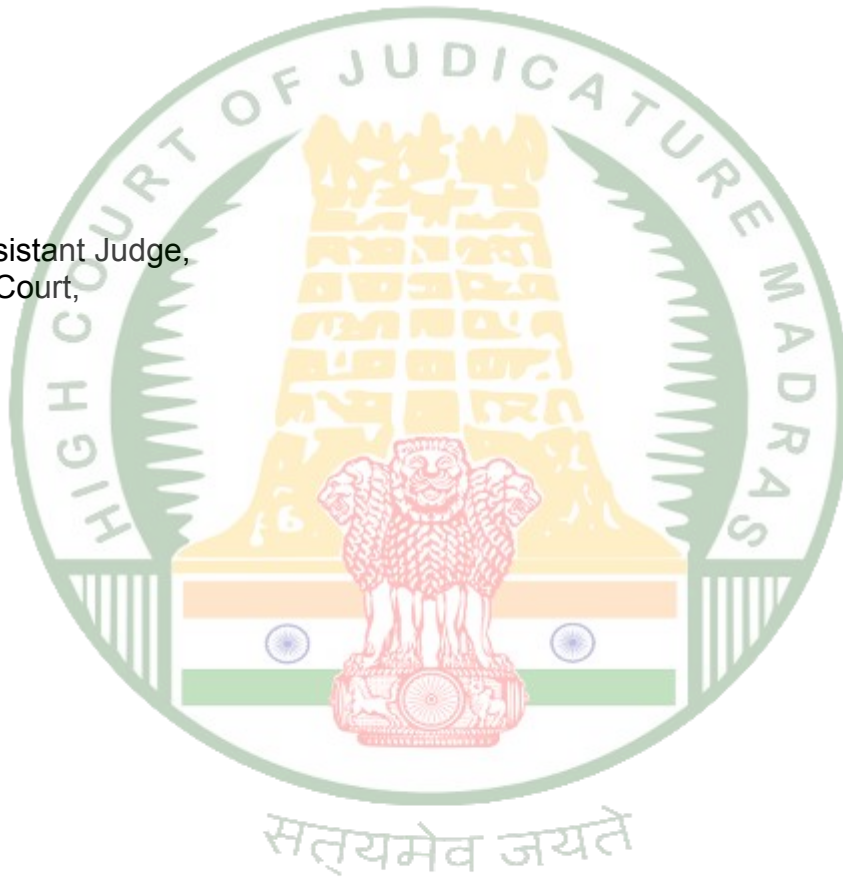
5. Accordingly, this Civil Revision Petition is dismissed and it is for the revision petitioner to agitate the same before the trial Court. Consequently, the connected miscellaneous petition is closed. No cost.

18.02.2019

vrc

To

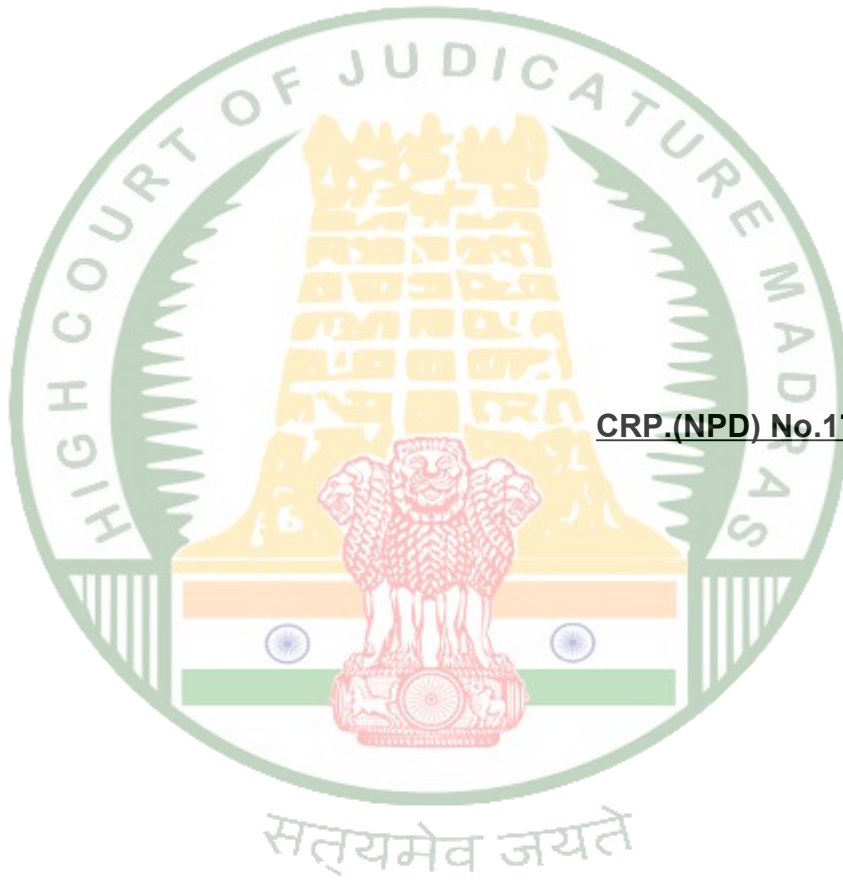
The X Assistant Judge,
City Civil Court,
Chennai.



WEB COPY

N.SATHISH KUMAR, J.

vrc



CRP.(NPD) No.1784 of 2012

WEB COPY

18.02.2019