

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

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THE HONOURABLE MR.JUSTICE M.S. RAMESH

Civil Revision Petition (NPD) No. 4815 of 2015

and

M.P. No. 1 of 2015

and

C.M.P. No. 17308 of 2018

C.A.Rajendran ... Petitioner

Vs.

D.Palani ... Respondent

Prayer : Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 07.10.2014 made in O.S. No. 4374 passed by the XIV Assistant Judge, City Civil Court, Chennai and to allow this Petition.

For Petitioner : Mr.K.G.Vasudevan

For Respondent : Mr.J.R.K.Bhavanantham

ORDER

The challenge in the present revision is against the decree and judgment passed in the suit for the recovery of money. In view of the appeal remedy available against the decree and judgment passed the revision itself may not be maintainable.

2.The learned counsel for the petitioner attempted to impress

this Court stating that he had made an application seeking for leave to defend and though the said application was pending the trial court had decreed the suit which is improper.

3. On a perusal of the application filed by the petitioner herein seeking for leave to defend, it is seen that the application which were presented on 03.09.2014 came to be returned by the Registrar of the City Civil Court for certain compliances. After that the petitioner had not chosen to re-present the said application. When that being the case it cannot be said that the petitioner had properly presented an application seeking for leave to defend. As a matter of fact, it can only be termed that the petitioner has not filed an application at all.

4. In view of the same, the ground raised by the petitioner that this application seeking for leave to defend is pending cannot be countenanced. For the forgoing reasons, I do not find any merits in the present civil revision petition and the same stands dismissed. No costs.

may a

Index: Yes/ No

Internet: Yes/No

Speaking /Non-speaking order

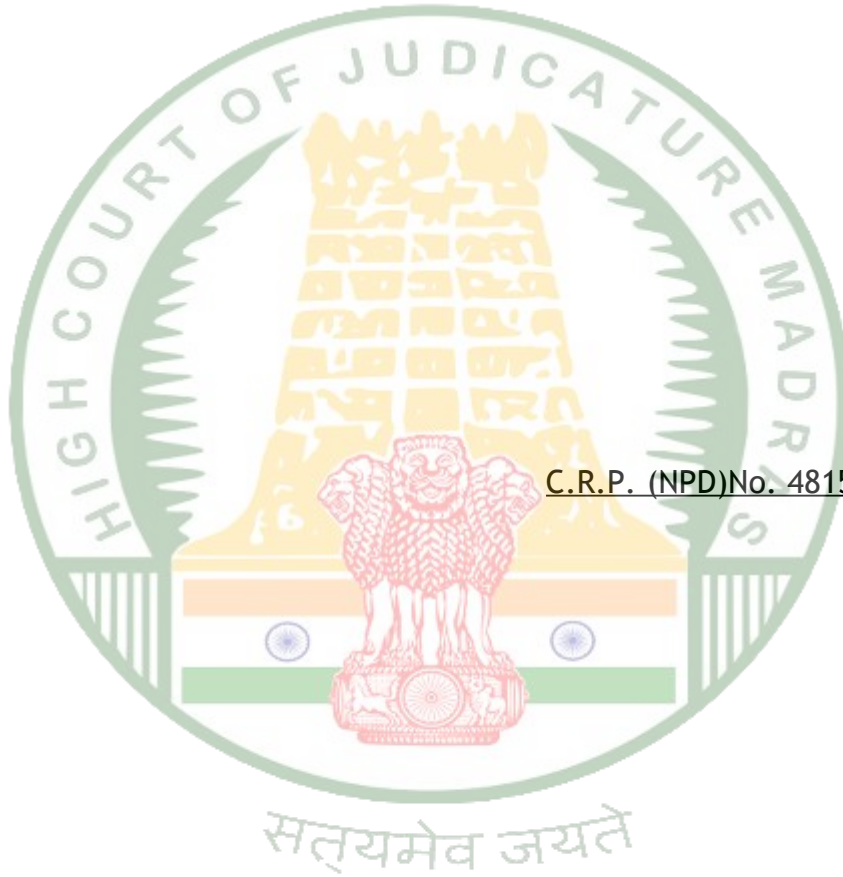
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M.S. RAMESH, J.

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To

1.The XIV City Civil Judge, Chennai.



C.R.P. (NPD)No. 4815 of 2015

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