

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.(NPD)No.1537 of 2019
and
CMP.No.10035 of 2019

A. Gowkarjan

...Petitioner

Vs

R. Sivasubramaniam

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to strike off the I.A.No.803 of 2018 in O.S.No.281 of 2011 pending before the learned District Munsif, Pollachi.

For Petitioner : Mr. K. Chandrasekaran

O R D E R

The above Civil Revision Petition is filed to strike off the I.A.No.803 of 2018 in O.S.No. 281 of 2011 pending on the file of the learned District Munsif, Pollachi.

2. The above application has been file to set aside the ex parte decree that has been passed on 22.03.2017. From the affidavit and petition filed, it is seen that the said application has been filed within 14 days from the date of passing of the ex parte decree.

3. Applications seem to be moved in this very application without the same being ordered. The revision petitioner seeks to have the same struck off on the ground that the petitioner has not complied with the orders of this Court in CRP.No.3356 of 2016. A perusal of the return made by the Court below and the representation made by the petitioner would show that the orders have been complied with and it was only because the orders had been complied with, the application had been numbered by the Court below. Therefore, there is no merit in the first argument. The second argument with regard to plea of the maintainability of the Order IX Rule 13 Petition shall be taken up when the matter is being argued.

4. I do not find any merit in striking off the I.A.No.803 of 2018. Consequently, Civil Revision Petition is dismissed and connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

mrn

To

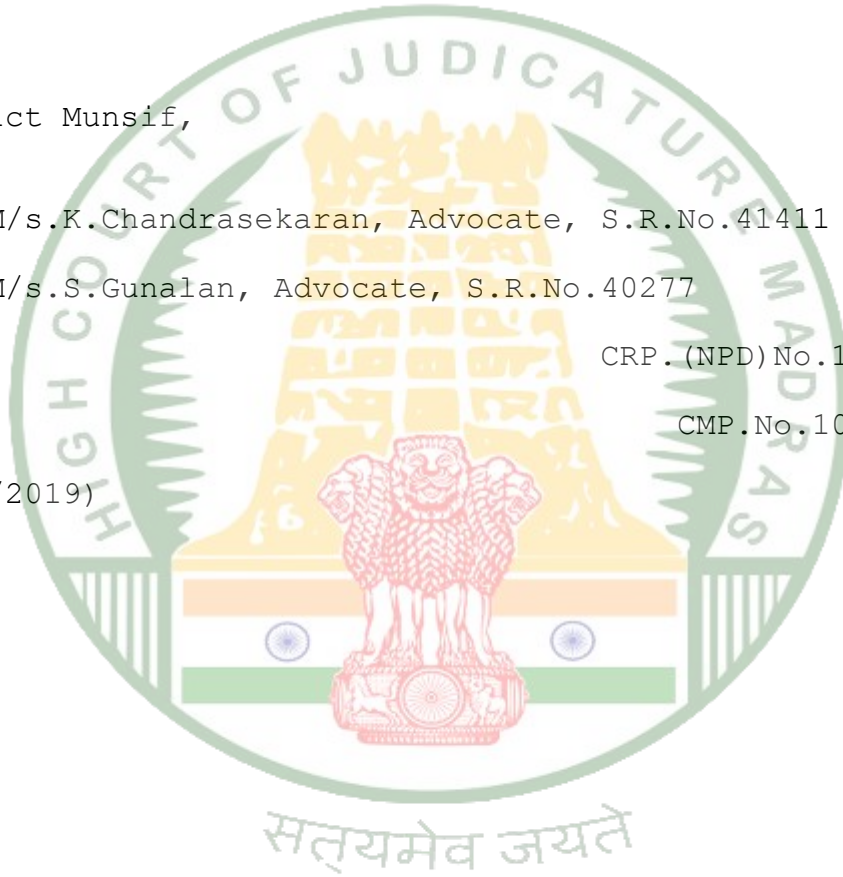
The District Munsif,
Pollachi.

+1 cc to M/s.K.Chandrasekaran, Advocate, S.R.No.41411

+1 cc to M/s.S.Gunalan, Advocate, S.R.No.40277

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PPA(CO)
SSM(18/06/2019)



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