

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD)No.1501 of 2019

and

CMP.No.9867 of 2019

G. Saraswathi

...Petitioner

Vs

1. K. Mayakannan

2. Venkatachalam

...Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code praying to set aside the fair and decreetal order passed in I.A.No.294 of 2018 in O.S.No.196 of 2017 of learned Sub-Ordinate Judge, Uthangarai dated 05.02.2019.

For Petitioner : Mr. K. Thiruvengadam

ORDER

The above Civil Revision Petition is filed by the plaintiff challenging the order passed in I.A.No. 294 of 2018 in O.S.No. 196 of 2017 in and by which the learned Subordinate Judge, Uthangarai has set aside the ex parte decree passed on 27.03.2018.

2. Without trasversing into the merits of the case, it would

suffice to state that an ex parte order was originally passed on 27.03.2018 and from the records it appears that a Petition has been filed on 20.03.2018 to set aside the order thereafter the ex parte decree has been passed on 27.03.2018 and the application appears to have been corrected to read as one filed under order IX Rule 13 of the Civil Procedure Code. This application has been ordered on payment of cost of Rs.500/-, challenging the same, the revision petitioner/plaintiff is before this Court.

3. Heard the learned counsel who appeared for the revision petitioner.

4. The suit in question is a suit for partition and considering the fact that subsequent to the passing of the ex parte decree, steps have been immediately taken, namely, within three days to file an application to set aside the ex parte order/decreed. I do not find any infirmity in the order passed by the learned Subordinate Judge, Uthangarai. Accordingly the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

23.04.2019

mrn

Index: Yes/No

Internet: Yes/No

Speaking order / Non-speaking order

P.T.ASHA, J.,

mrn

To,
The Sub-Ordinate Judge,
Uthangarai



CRP.(PD)No.1501 of 2019
and
CMP.No.9814 of 2019

WEB COPY

23.04.2019



WEB COPY