

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.4102 of 2018

and

CMP.No.22642 of 2018

Solaiammal

... Petitioner

Vs.

1.A.P.Kuppusamy

2.S.P.Chellamuthu

3.O.K.Periyasamy

4.Perumal

5.Subramaniam

6.Appachigounder

Perumal (Died)

7.Selvaraj

8.Thankarasu Alias Palanisamy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 31.08.2018 made in I.A.No.184 of 2018 in O.S.No.271 of 2014 on the file of I Additional District Munsif Court, Bhavani.

For Petitioner

: Mr.J.Pratheep

For RR1 to 3

: Mr.Sayed Shuhaib

ORDER

The Civil Revision Petition is directed against the order of dismissal passed by Court below in I.A.No.184 of 2018 in O.S.No.271 of 2014 on the file of I Additional District Munsif Court, Bhavani dated 31.08.2018 seeking condonation of delay in filing the petition to set aside the ex-parte decree.

2. On perusal of the documents, it is seen that there are seven defendants out of which three defendants contested the case and the trial Court has pronounced the judgment on merits, after discussing the issue. Once the suit is contested and the judgment is passed on merits, it cannot be said as an ex-parte decree. If the petitioner choose, she can file an appeal against the judgment and cannot maintain the petition to set aside the ex-parte decree in a decided suit. The trial Court has rightly dismissed the petition. The Civil Revision Petition is devoid of merits and accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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20.06.2019

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Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

To

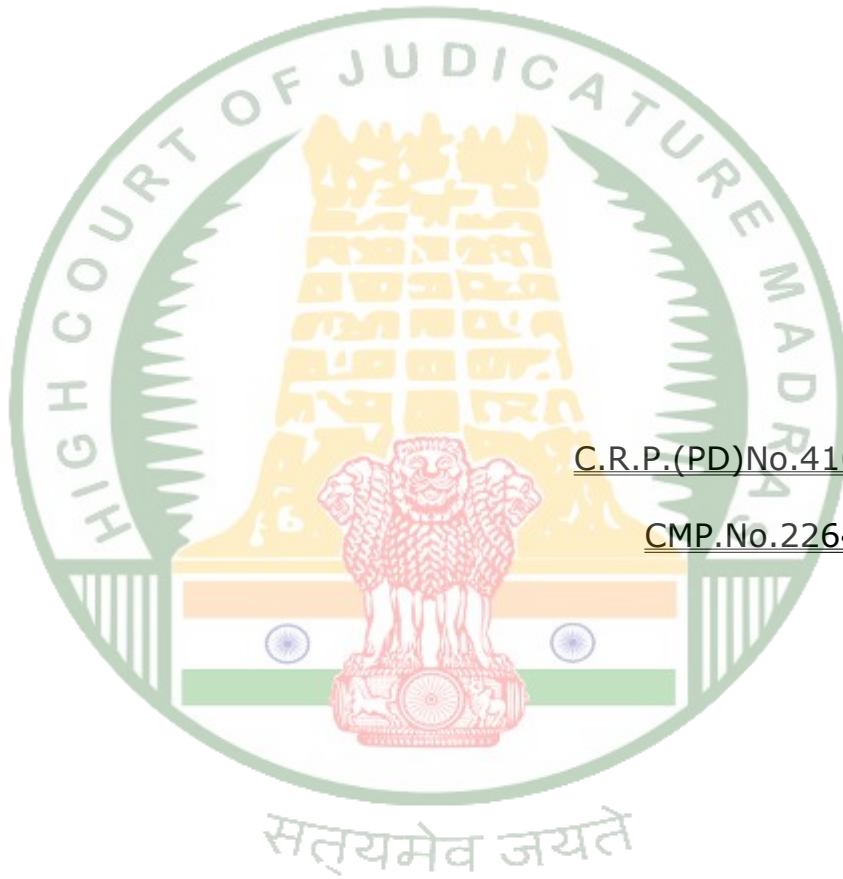
The Judge,
I Additional District Munsif Court,
Bhavani.



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M. GOVINDARAJ, J.

bri



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