



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P(MD)No.1542 of 2019 and
CMP(MD).No. 8091 of 2019

WEB COPY

1. M/s. Trichy Friends Trunk Call Taxi,
Partnership firm,
rep. by its Partner
S. Karthik
 2. M/s.Cab Easy Call Taxi,
Partnership Fir,
Rep. by its Partner,
S.Krishnan
- ... Petitioners/Respondents/Plaintiffs

Vs.

- 1.G. Edisoan Gladiyers
 - 2.G.Nelson
 - 3.S. Gnanaprakasm
- ... Respondents/Petitioners/Defendants

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the impugned fair and decreetal order in I.A.No. 184 of 2018 in O.S.No. 1343 of 2015, dated 25.01.2019 on the file of the I Additional District Munsif Court, Trichirappalli.

For Petitioners : Mr.D. Kirubakaran
For Respondents : Mr.C. Jeyaprakash

ORDER

This Civil Revision Petition is filed against the order allowing I.A.No.184 of 2018 in O.S.No. 1343 of 2015, passed by the learned I Additional District Munsif, Trichirappalli.

2. The Court below already condoned the delay in filing an application to set aside the ex parte order passed in the suit vide order dated 13.04.2018 in I.A.No. 277 of 2017. Thereafter, application in I.A.No. 184 of 2018 was allowed by the Court below vide order dated 25.01.2019 and thereby, restored the suit to file.

3. It is the contention of the revision petitioners / plaintiffs that the respondents / defendants have not filed a written statement even after taking five months time and further, they have not provided a valid reasons to set aside the ex parte order. In these circumstances, without an application of mind, the



Court below allowed I.A.No. 184 of 2018 and restored the suit.

4. On the other hand, the learned counsel appearing for the respondents/defendants would contend that the Court below, by order dated 13.04.2018, allowed the application to condone the delay in filing the application to set aside the ex parte order filed in I.A.No.277 of 2017. Against the said order, the revision petitioners have not preferred any appeal.

4.1. The learned counsel appearing for the respondents/defendants would further contend that the Court below, after considering the matter on merits, has allowed I.A.No.184 of 2018 filed to set aside the ex parte order dated 29.11.2016 and consequently, the suit was restored. Now, the revision petitioners have preferred the present Civil Revision Petition against the restoration of the suit. Without preferring any appeal against the order passed by the Court below for condoning the delay in filing the application to set aside the ex parte order, the revision petitioners have no locus standi to file the present Civil Revision Petition, challenging the consequential order for restoration of the suit passed by the Court below in I.A.No.184 of 2018.

5. Heard the learned counsel appearing for the revision petitioner and the respondents and perused the materials available on record.

6. In the present case, admittedly, the Court below allowed the application in I.A.No.277 of 2017 vide order dated 13.04.2018 and thereby, condoned the delay in filing the application to set aside the ex parte order, dated 29.11.2016. The revision petitioners have not challenged the said order by way of any appeal. When the revision petitioners have accepted the order passed by the Court below in I.A.No.277 of 2017, they have no locus standi to prefer the present Civil Revision Petition, challenging the consequential order passed by the Court below in restoration of the suit in I.A.No.184 of 2018. Therefore, this Court is of the view that the Court below has rightly applied its mind and allowed the application and thereby, restored the suit. Hence, there is no infirmity in the order passed by the Court below. Accordingly, the present Civil Revision Petition is dismissed.

7. At this juncture, the learned counsel appearing for the respondents / defendants would submit that the application already filed by them for rejection of plaint may be directed to be disposed of within a stipulated time. Considering the submissions made by the learned counsel appearing for both sides, this Court directs the Court below to dispose of the said application within a period of



three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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// True Copy //

Sub Assistant Registrar(CS)

To

The I Additional District Munsif Court,
Trichirappalli.

+1 CC to Mr.B.SARAVANAN, Advocate (SR-88036[F] dated 20/09/2019)
+1 CC to Mr.C.JEYAPRAKASH, Advocate (SR-87593[F] dated 19/09/2019)

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