



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P(MD)No.1531 of 2019
and
C.M.P. (MD)No.7998 of 2019

1.S.T.Christy

2.Jose Edwin

3.Joshia Mirachin ... Petitioners / Respondents/Defendants

Vs.

M.Saravanakumar ... Respondent / Petitioner /Plaintiff

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the Docket order dated 16.05.2019 passed in I.A.No.14 of 2019 in O.S.No.12 of 2019 on the file of Vacation Civil Judge, Dindigul (re-numbered as I.A.No.1 of 2019 in O.S.No.182 of 2019 on the file of the Additional District Munsif, Dindigul).

For Petitioners : Mr.R.Subramanian
For Respondent : Mr.K.Gokul

O R D E R

This Civil Revision Petition is directed as against the exparte order dated 16.05.2019 passed in I.A.No.14 of 2019 in O.S.No.12 of 2019 on the file of Vacation Civil Judge, Dindigul (re-numbered as I.A.No.1 of 2019 in O.S.No.182 of 2019 on the file of the Additional District Munsif, Dindigul).

2.The learned counsel for the revision petitioner would contend that the Court below has passed an exparte order, which is a non-speaking order. Therefore, challenging the same, the petitioner has filed this Civil Revision Petition.

3.On the other hand, the learned counsel for the respondent would contend that the challenge can be made as against the impugned order by way of an appeal before the appropriate forum and that the same cannot be challenged before this Court under Article 227 of the Constitution of India. He would further contend that the revision



petitioners herein filed an application under Order 7 Rule 11 to reject the plaint before the Court below.

4.Under these circumstances, the learned counsel for the revision petitioners would fairly submit that the Civil Revision Petition may be closed by recording the submission made by the learned counsel for the respondent.

5.In view of the above submission, no further order is required in the present Civil Revision Petition, since the revision petitioner himself filed an application before the Court below to reject the plaint subsequent to the filing of this Civil Revision Petition.

6.Accordingly, this Civil Revision Petition is closed recording the statement of the learned counsel for the respondent that the revision petitioners have filed an application under Order 7 Rule 11 before the Court below to reject the plaint. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Rj2

To

The Additional District Munsif, Dindigul.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-95165[F] dated 31/10/2019)

**Order made in
C.R.P(MD)No.1531 of 2019
30.10.2019**

MK (20.11.2019) 2P 3C