



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (PD) (MD) No.604 of 2011
and
M.P. (MD) No.1 of 2011

Kalidass : Petitioner/Petitioner/Plaintiff

.. Vs ..

1.Kasi Nadar
2.Kamala Bai
3.Rajan
4.Sivakumar : Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order passed in I.A.No.115 of 2009 in O.S.No.334 of 2005 on the file of the 2nd Additional District Munsif Court, Kuzhithurai, dated 20.09.2010.

For Petitioner : Mr.M.P.Senthil
For respondents : Mr.K.N.Thambi

- - - - -

ORDER

This Civil Revision Petition is directed against the order passed by the lower Court in the interlocutory application in I.A.No.115 of 2009 to amend the plaint under Order 6, Rule 17 C.P.C.

2.It is admitted by the learned Counsel appearing for the petitioner that during the pendency of the Civil Revision Petition the suit itself was dismissed for default. It is, therefore, obvious that the Civil Revision Petition has to be dismissed as infructuous inasmuch as the suit itself has been dismissed for default. It is possible for the revision petitioner in future to file a petition for restoration of the suit. In case, the petitioner succeed in getting the suit restored, it is open to the petitioner to file an appropriate application in the Civil Revision Petition to restore the Civil Revision Petition based on the subsequent event. Hence, the Civil Revision Petition is dismissed



as infructuous for the present subject to the liberty that was given to the petitioner earlier. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The 2nd Additional District Munsif Court,
Kuzhithurai.

+1 CC to Mr.M.P.SENTHIL, Advocate SR-69357.
+1 CC to Mr.K.N.THAMPI, Advocate SR-69408.

C.R.P (PD) (MD) No. 604 of 2011
17.06.2019

CS: (25/06/2019) 2P 4C