

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.506 of 2018 and
CMP No.2611 of 2018

1. Vishali @ Visalatcheeswari
2. Muthu Anandhan

...Petitioners

Vs.

Bhuvaneswari

... Respondent

Prayer: The Civil Revision petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the fair and decreetal order in E.A.No.80 of 2016 in E.P.No.294 of 2015 in O.S.No.256 of 2012 dated 16.11.2017 on the file of the learned Principal Subordinate Judge, Villupuram and thereby allow the revision .

For Petitioners : Mr.N.Suresh

For Respondent : Mr.Vinoth Raja, for
Mr.N.Manokaran

ORDER

This Civil Revision petition has been filed by the Judgment Debtors/defendants 5 and 6 in a suit for partition, challenging the order made in E.A.No.80 of 2016. E.A.No.80 of 2016 is an application to set aside the exparte order in E.P.No.294 of 2015.

2. The learned trial Judge had concluded that the petitioners have not made out a sufficient cause for setting aside the exparte order in the E.P. and they have not chosen to file their counter despite several chances given to them.

3. I have heard Mr.N.Suresh, learned counsel appearing for the petitioners and Mr.Vinoth Raja, learned counsel for Mr.N.Manokaran for respondents.

4. Mr.Vinoth Raja, learned counsel appearing for respondents would submit that E.P itself has been terminated on 01.02.2018. Therefore, nothing survives in this Civil Revision petition.

5. Mr.N.Suresh, learned counsel appearing for the petitioners would contend that applications to set aside the exparte preliminary decree and other exparte proceedings before the trial Court are pending and disposal of the Civil Revision petition should not prejudice the case of the

petitioners in the said proceedings.

6. Since the E.P. itself stands terminated, I do not think that anything survives in the Civil Revision petition therefore, the Civil Revision petition is dismissed as having become infructuous.

7. It is made clear that the dismissal of the Civil Revision petition will not have any barring on the proceedings that are pending before the trial Court for setting aside the exparte decree itself. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2020

vum

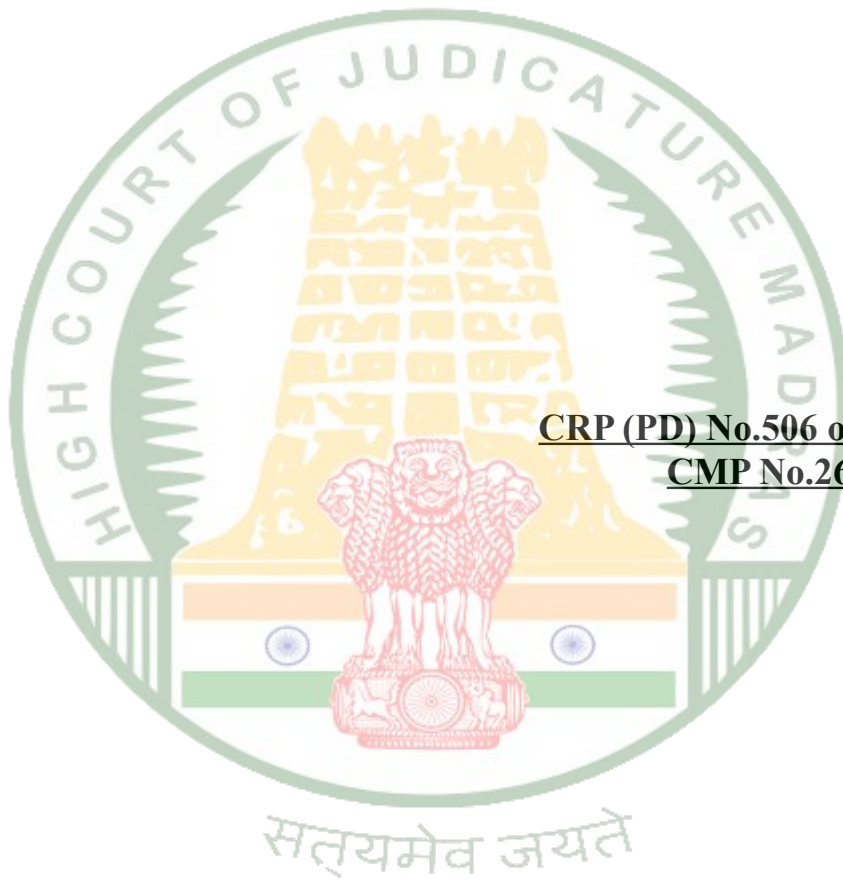
Index: Yes/No
Speaking order / Non speaking order

To:
The Principal Subordinate Judge,
Villupuram

WEB COPY

R.SUBRAMANIAN, J.

vum



CRP (PD) No.506 of 2018 and
CMP No.2611 of 2018

WEB COPY

12.08.2020