



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

C.R.P(MD)No.218 of 2020

and

CMP(MD).No. 1313 of 2020

V. Mari ... Petitioner / Petitioner
Vs.

S. Radhika ... Respondent / Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order dated 24.01.2020 made in E.P.No. 147 of 2019 on the file of the Additional District Munsif Court, Madurai.

For Petitioner : Mr. T. Antony Arul Raj
For Respondent : Mr. D. Shanmugaraja

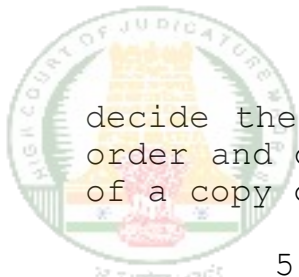
ORDER

It is the contention of the revision petitioner that an ex parte order was passed and delivery has been ordered and he has filed an application to set aside the ex parte order, which is pending. At the same time, delivery has been ordered.

2. I have heard the learned counsel appearing on either side and perused the materials available on record.

3. The revision petitioner is adopting delaying tactics from the year 2012 and he was set ex parte and an ex parte order was passed for four times and finally, now, the Execution Petition also filed and delivery has also been ordered. The conduct of the revision petitioner clearly exhibits his intention only in order to protract the proceedings he has filed an application to set aside the ex parte order.

4. However, taking note of the fact that the delivery order has been passed on the basis of the ex parte order and the petition to set aside the ex parte order is pending, the trial Court shall



decide the above ex parte petition filed to set aside the ex parte order and dispose of the same within a week from the date of receipt of a copy of this order on merits and in accordance with law.

5. If the revision petitioner fails to co-operate to argue the matter, the trial Court shall straight-away proceed with the ex parte order and delivery, within a period of one month. Till such time, the ex parte order shall be kept in abeyance.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Additional District Munsif Court,
Madurai.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-5452[F] dated 10/02/2020)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-5286[F] dated 07/02/2020)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-5707[F] dated 11/02/2020)

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