

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD) No.3978 of 2018

and

C.M.P.No.22059 of 2018

A.Ambalavanan ... Petitioner

Vs.

1. Shanmugasundaram

2. Balasubramanian

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 20.07.2018 passed in I.A.No.369 of 2018 in O.S.No.70 of 2011 on the file of the Sub Court, Chidambaram.

For Petitioner : M/s.R.Meenal

For Respondents : Mr.V.Thillaisamy (for R-1)

: Notice Served (No Appearance)
(for R-2)

ORDER

This Civil Revision Petition is filed as against fair and decretal order passed in I.A.No.369 of 2018 in O.S.No.70 of 2011 dated 20.07.2018 on the file of the learned Sub Judge, Chidambaram, thereby allowing the petition to set aside the ex-parte order.

2. The petitioner is the fourth defendant and the second respondent is the plaintiff. The second respondent filed a suit for partition, in which the first respondent is arrayed as third defendant. The first respondent was set ex-parte and he filed a petition to set aside the ex-parte order. The petitioner being the fourth defendant in the suit was not a party in the petition filed by the first respondent herein to set aside the ex-parte order as against the second respondent being the plaintiff. Therefore, the petitioner cannot challenge the order allowing the petition to set aside the ex-parte order passed as against the first respondent herein. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

3. Accordingly, this Civil Revision Petition is dismissed. However, the suit is of the year 2011 for partition and therefore, the Court below is directed to dispose of the suit within a period of nine months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.07.2021

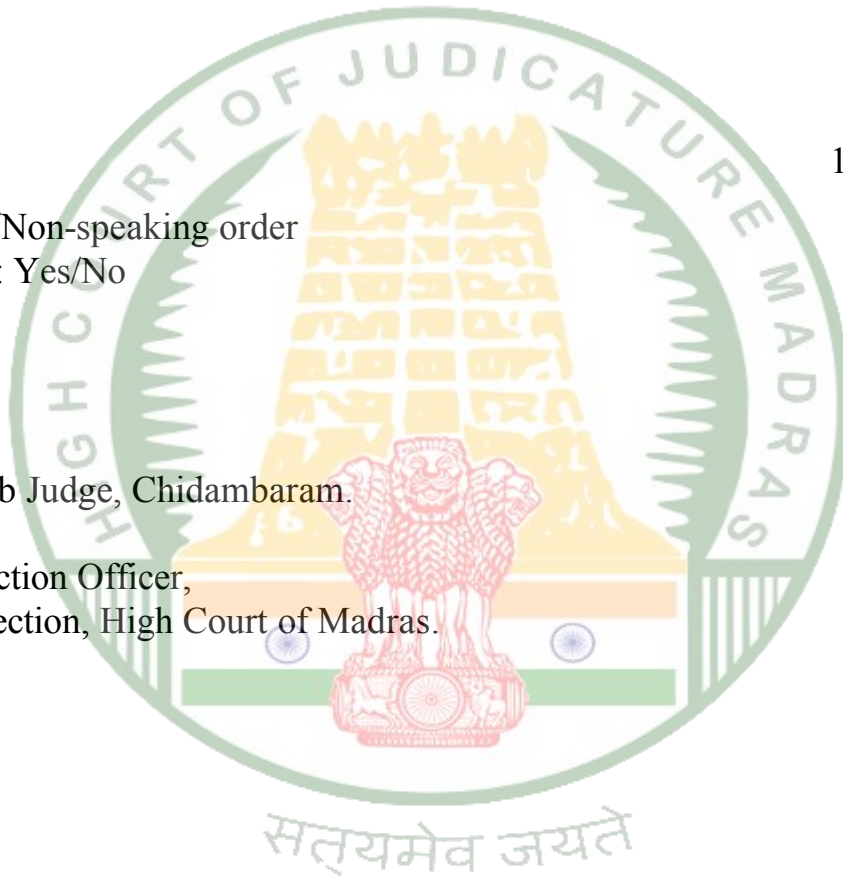
Speaking/Non-speaking order

Index : Yes/No

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To

1. The Sub Judge, Chidambaram.
2. The Section Officer,
V.R. Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

Kv



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