



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2021**

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No.674 of 2021

and

C.M.P. (MD) No.3688 of 2021

1.Krishnakumar

2.Mahadevan @ Madhavan @ Madhavan Pillai

... Petitioners/respondents/Plaintiffs

-Vs-

1.Carmal Lourd Bai ...1st respondent/Petitioner/1st Defendant

2.Mary Jancy Rani

3.Kailasam Nadar @ Chellathurai

4.Annammal ... Respondents 2 to 4/ respondents 2 to 4/Defendant 3 to 5

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 05.03.2021 made in I.A.No.4 of 2021 in O.S.No.84 of 2018 on the file of the Principal District cum Judicial Magistrate, Eraniel.

For Petitioners : Mr.J.Kalaiganesan
for Mr.V.Muthukamatchi.

For Respondents : Mr.C.T.Perumal
2 to 4

ORDER

This Civil Revision Petition has been filed to set aside the order dated 05.03.2021 made in I.A.No.4 of 2021 in O.S.No.84 of 2018 on the file of the Principal District cum Judicial Magistrate, Eraniel.

2.O.S.No.84 of 2018 was filed for suit for declaration and for permanent injunction and an exparte order was passed on 18.11.2020, as the petitioner/D1 was set exparte for both filing of written statement and evidence, against which, the petitioner/D1 filed a set aside petition to set aside the exparte order dated 18.11.2020. The defendants have also filed written statement along with the set aside petition. The petitioner also filed a petition in I.A.No.4 of 2021 on 17.12.2020.



3.Set aside petition was filed well within the time limit ie., on 17.12.2020 and the defendants have right to file written submission along with set aside petition. The Principal District Munsif cum Judicial Magistrate, Eraniel allowed I.A.No.4 of 2021 on costs. However, it is to be pointed out that when set aside petition was filed and pending, the Principal District Munsif cum Judicial Magistrate, Eraniel ought not to have reserved the matter for judgment. Both the parties are directed to co-operate for the disposal of the trial in O.S.No.84 of 2018.

4.With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Principal District Munsif cum Judicial Magistrate,
Eraniel.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-29960[F] dated
22/09/2021)

C.R.P (MD) No.674 of 2021
22.09.2021

SRK(CO)
KB(29.09.2021) 2P 3C