



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**C.R.P. (MD)No.1161 of 2020
and C.M.P. (MD)No.7420 of 2020**

Sundaram @ Nainappan

... Petitioner

Vs.

1.A.M.Chinnasami
2.M.Krishnan
3.N.Raman
4.A.Ramasamy
5.V.Mannumauthiri
6.N.Chinnavan
7.R.Raman
8.R.Maharajan
9.L.Aadhan
10.A.Ponnukalai

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decreetal fair and ex order passed in I.A.No.2 of 2020 in O.S.No.57 of 2017 on the file of the District Munsif Court, Melur dated 02.03.2020.

For Petitioner : Mr.S.Madhavan

ORDER

This civil revision petition has been filed to set aside the decreetal fair and ex order passed in I.A.No.2 of 2020 in O.S.No.57 of 2017 on the file of the District Munsif Court, Melur dated 02.03.2020.

2.According to the petitioner, the respondents/plaintiffs herein filed a suit in O.S.No.57 of 2017 before the District Munsif Court, Melur to declare them as poosaries of the Sri Manthai Karuppannasami Temple and Sri Vellimalayandi Temple. The petitioner herein is the fifth defendant. When the case was posted on 28.03.2017 the petitioner could not appear in the Court, due to jaundice. After his health condition improved, he contacted his counsel and came to know that exparte order had been passed as against him. Hence, to set aside the exparte order, the



petitioner filed an interlocutory application in I.A.No.2 of 2020 before the District Munsif, Melur. The said application was dismissed on 02.03.2020. Aggrieved over the same, the present civil revision petition has been filed.

3. Heard the learned counsel for the petitioner. In view of the order going to be passed, notice to the respondents is not necessary.

4. The petitioner/fifth defendant has filed the above interlocutory application to set aside the exparte order dated 28.03.2017. Perusal of records shows that the petitioner has appeared for chief examination in another suit in O.S.No.176 of 2016 on 06.02.2018 and again on 09.03.2018 for continuation of the chief examination and therefore, his claim that he suffered from jaundice, was found to be false and hence, the learned Judge dismissed the application which was filed after a lapse of nearly two years, where I do not find any infirmity.

5. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

gns

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 District Munsif,
Melur.

C.R.P. (MD) No.1161 of 2020
05.01.2021

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