



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP(MD).No.833 of 2014 and
M.P(MD).No. 1 of 2014

1.M. Rajendran
2.M. Durai Pandi

... Petitioners/Petitioners/
Defendants

Vs.

M. Jeyamani

... Respondent/Respondent/
Plaintiff

Prayer: Civil Revision Petition filed under Section 115 CPC to set aside the Ex and fair order, dated 13.02.2014 on the file of the District Munsif Cum Judicial Magistrate, Vadipatti, passed in I.A.No.335 of 2013 in O.S.No.30 of 2009.

For petitioner : Mr. K. Guhan

For respondent : Mr. B. Sudha Sathianath

ORDER

This revision is directed against the order dismissing the application filed by the petitioner under Section 5 of the Limitation Act, seeking condonation of delay of 20 days in filing a petition to set aside the ex parte decree. The dismissal is solely on the ground that the decree is one on merits and not an ex parte decree.

2. The learned counsel appearing for the petitioner would submit that the petitioner should be given liberty to challenge the decree by way of appeal.

3. Considering the reasons assigned by the learned Trial Judge for dismissing the application, I am of the opinion that the petitioner should be given liberty to file an appeal against the decree.

4. In view of the above, this Civil Revision Petition is dismissed reserving the liberty that the petitioner to file an



appeal against the decree. Needless to say that the pendency of this revision order can be invoked by the petitioner as a reason for condonation of delay in filing the appeal. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The District Munsif Cum Judicial Magistrate,
Vadipatti.

Copy to

The Section Officer, Vernacular Records-2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.V.Ramakrishnan, Advocate (SR-1946[F] dated 25/01/2021
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KM (08.02.2021) 2P 5C