



CRP.No.598 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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and

CMP.No.3105 of 2022

C.Mahesh

... Petitioner

Vs.

1.Kavitha

2.The Senior Divisional Retail Sales Manager
Divisional Office- Indian Oil Corporation Ltd.,
Kondalampatti Bye-Pass, Salem.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Palacode, Dharmapuri District, to accept and number the set-aside petition filed in



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I.A.SR.No.1193 of 2021 in O.S.No.48 of 2020 by taking on file and to deal in accordance with law by allowing the CRP.

For Petitioner : Mr.N.Vijaya Basker

For Respondent : Mr.K.Venkateswaran for R1
: Mr.Mohammed Fayaz Ali for R2

ORDER

This Civil Revision Petition is filed seeking a direction to the learned District Munsif Court, Palacode, Dharmapur District, to number the petition filed by the revision petitioner to set aside the exparte decree passed against him in the suit in I.A.SR.No.1193 of 2021 in O.S.No.48 of 2020.

2. Mr.K.Venkateswaran, learned counsel takes notice for the contesting first respondent.

3. Having regard to the limited prayer made in this revision, this Court deems notice to the second respondent is not necessary.



4. The perusal of the return endorsement made in I.A.SR.No.1193 of 2021 would suggest that the petition to set aside the exparte order filed by the revision petitioner was returned on 22.07.2021 pointing out certain defects. The petitioner re-presented the papers on 29.09.2021, after rectifying the defects pointed out by the Court below. The papers were again returned by the Court below on 08.10.2021 directing the petitioner to furnish a clean copy of the petition. It appears that the petitioner had not re-presented the papers, thereafter rushed to this Court.

5. In facts and circumstances of this case, the petitioner is directed to re-present the returned papers in I.A.SR.No.1193 of 2021 after complying the order of return passed by the Court below on 08.10.2021 to furnish the clean copy of the petition. Further, if re-presented, the Court below is directed to number the I.A.S.R.No.1193 of 2021 within a period of two weeks from the date of re-presentation, if it is otherwise in order. Further, the Court below is directed to dispose of



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the I.A.SR.No.1193 of 2021 within a period of six weeks from the date of re-presentation of the petition.

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

26.10.2022

Index : Yes / No
Internet : Yes / No
dna



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To

- 1.The District Munsif Court, Palacode, Dharmapuri District.
- 2.The Senior Divisional Retail Sales Manager
Divisional Office- Indian Oil Corporation Ltd.,
Kondalampatti Bye-Pass, Salem.



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