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C.R.P.(PD) No.1786/20\_\_

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

**C.R.P.(PD)No.1786 of 2022  
and  
CMP.No.9022 of 2022**

|                  |     |             |
|------------------|-----|-------------|
| M.Thangarasu     | ... | Petitioner  |
|                  | Vs. |             |
| 1.S.Komarasamy   |     |             |
| 2.K.Nagarathinam | ... | Respondents |

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 27.04.2022 passed in I.A.No.11 of 2022 in OS.No.27 of 2020, on the file of the Principal District Munsif Court, Bhavani, Erode District and consequently allow the I.A.No.11 of 2022 in OS.No.27 of 2020 as prayed with cost.

For Petitioner : Mr.D.Senthilkumar

For Respondents : No appearance

**ORDER**

This Civil Revision Petition has been preferred challenging the order of the learned Principal District Munsif, Bhavani, dated 27.04.2022 made in I.A.No.11/2022 in OS.No.27/2020.

**2.** The petitioner is the defendant in the suit.



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3. During the pendency of the suit, the defendant has filed a petition to reopen and set-aside the *ex parte* order passed against him. The said petition was allowed on condition that the revision petitioner should pay a cost of Rs.6,000/- [Rupees Six Thousand Only] on or before 06.06.2022, and thereafter to file a petition to recall PW.1 for cross examination. Aggrieved over the said order this Civil Revision Petition is filed.

4. The learned counsel for the revision petitioner submitted that in compliance of the order, he has already deposited a cost of Rs.6,000/-. However, he has preferred this revision to permit the petitioner to file necessary petition for getting clarification of a joint memo filed before this Court.

5. The limited issue now raised before this Court the merit of the order of the learned Principal District Munsif, Bhavani, Erode District, dated 27.04.2022 made in I.A.No.11/2022 in OS.No.27/2020. Setting aside the above said order would only go against the interest of the revision petitioner and he will loose the opportunity to recall PW.1 and cross examine him.



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6. By understanding the same the learned counsel for the petitioner made an endorsement to withdraw the present Civil Revision Petition. But however with a rider to permit him to file some other petition for clarifying the joint memo. Since the other matter as referred by the learned counsel for the revision petitioner, is not the matter to be dealt in this Civil Revision Petition, no liberty can be given. Hence this Civil Revision Petition can only be allowed to be simply withdrawn without any liberty.

Thus the Civil Revision Petition is **dismissed as withdrawn**. No costs. consequently, connected miscellaneous petition is also closed.

**20.06.2022**

Index : Yes/No  
Speaking Order : Yes / No  
jrs

**R.N.MANJULA, J.,**

*jrs*



C.R.P.(PD) No.1786/20\_\_

To

1. The Principal District Munsif Court,  
Bhavani, Erode.
2. The Section Officer,  
VR Section, Madras High Court, Chennai.

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and  
CMP.No.9022 of 2022

**20.06.2022**