



C.R.P(NPD).No.2761 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE **Mr. JUSTICE S.SOUNTHAR**

C.R.P(NPD).No.2761 of 2022

and

C.M.P.No.14540 of 2022

1.Gokila
2.S.Srikanth
3.S.Valarmathi
4.S.Ramesh

.. Petitioners

Vs.

1.Palaniammal
2.Nirmala
3.Anuradha
4.G.R.Ramya
5.G.R.Nithya

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the judgment and decree passed in O.S.No.1069 of 2015 dated 23.06.2017 on the file of the II Additional Sub Court, Coimbatore.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.P.Veeraraghavan

ORDER

The Civil Revision Petition is filed challenging the *ex parte* judgment and decree passed by the Court below in O.S.No.1069 of 2015.



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2.As per the law laid down by the Apex Court in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai versus Tuticorin Educational Society*** reported in ***(2019) 9 SCC 53***, it is a settled law in cases where there is effective remedy available to a person applying for revision before the regular Civil Court, this Court is not entitled to exercise its supervisory power available under Article 227 of the Constitution of India. The petitioner can very well file a petition for availing alternative remedy available in C.P.C., to set aside *ex parte* decree passed by the Court below. He can either file an appeal under Section 96 C.P.C., or to seek set aside the *ex parte* decree, if so advised. Therefore, this Court is not inclined to exercise its supervisory jurisdiction to entertain the revision petition.

3.With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2022

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Index: Yes/ No

Speaking Order / Non-Speaking Order

To

The II Additional Sub Court, Coimbatore.

S.SOUNTHAR, J.



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