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CRP.No.2924 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2924 of 2022
and
CMP.No.15849 of 2022

1.V.Padmavathi (died)
2.J.Vijayaraghavan

... Petitioners

Vs.

Violet Navamani

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to struck off the application filed in I.A.No.262 of 2015 in O.S.No.150 of 2013 on the file of the Subordinate Judge, Vellore and all other consequential applications filed by the respondent herein and struck off the same from the file of the said Court.

For Petitioners : Mr.D.Krishna Pradeep



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ORDER

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This petition has been filed to strike off the application filed in I.A.No.262 of 2015 in O.S.No.150 of 2013 on the file of the Subordinate Judge, Vellore and all other consequential applications filed by the respondent herein and strike off the same from the file of the said Court.

2. This revision petition is filed by the petitioner seeking to strike off the application filed in I.A.No.262 of 2015 in O.S.No.150 of 2013 on the file of the Subordinate Judge, Vellore.

3. The respondent herein filed I.A.No.262 of 2015 to set aside the exparte decree dated 29.06.2015 passed against him in O.S.No.150 of 2013. According to the learned counsel for the petitioner, he had already filed a counter to the said I.A.No.262 of 2015 and the said application is pending from the year 2015. The counter of the revision petitioner was filed as early as 21.09.2015.



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4. The learned counsel for the petitioner submitted that the petition filed by the respondent under Order 9 Rule 13 of CPC, is not maintainable as the judgment and decree was passed by the Court below on merits.

5. It is always open to the petitioner to raise that point before the Court below and contest the I.A on merits. Already the revision petitioner filed a detailed counter as early as 2015, raising the very same point along with other objections. The application is kept pending from the year 2015 without any substantial progress. Though this Court is not inclined to invoke supervisory jurisdiction under Article 227 of the Constitution of India, to strike out the I.A. filed by the respondent, in view of the fact that I.A is pending for the past seven years without any substantial progress, this Court is inclined to direct the Subordinate Court, Vellore, to dispose of the IA.No.262 of 2015 within a period of 8 weeks from the date of receipt of a copy of this order.



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S.SOUNTHAR , J.

dna

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

19.09.2022

Index : Yes / No
Internet : Yes / No
dna

To

The Subordinate Court, Vellore.

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