



CRP(PD)(MD)No.1017 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1017 of 2019

and

C.M.P.(MD)No.5602 of 2019

M.Panneerselvam

... Petitioner

versus

A.R.Rani

... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decretal order dated 02.03.2019 made in I.A.No.1801 of 2018 in O.S.No.70 of 2018 on the file of the District Munsif Court, Melur.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the order dated 02.03.2019 made in I.A.No.1801 of 2018 in O.S.No.70 of 2018 on the



CRP(PD)(MD)No.1017 of 2019

file of the District Munsif Court, Melur.

WEB COPY

2. The petitioner herein is the defendant in the suit in O.S.No.70 of 2018. The suit in O.S.No.70 of 2018 has been filed by the respondent/plaintiff seeking permanent injunction. In the said suit, the petitioner/defendant filed an interlocutory application in I.A.No.1801 of 2018 under Order 7 Rule 11 of C.P.C. to strike off the plaint, which was dismissed by the trial Court, by order dated 02.03.2019. Challenging the same, the present Civil Miscellaneous Petition has been filed.

3. The learned counsel appearing for the petitioner submits that in this Civil Revision Petition, this Court, by order dated 01.07.2019, ordered notice to the respondent. Though notice was sent to the respondent, it was returned with an endorsement as “no such addressee”. In the meantime, the main suit itself has been dismissed for default on 07.10.2021 and the respondent/plaintiff has not filed any



CRP(PD)(MD)No.1017 of 2019

application to restore the suit so far.

WEB COPY

4. Since the main suit itself has been dismissed for default on 07.10.2021, nothing survives for adjudication in the Civil Revision Petition. Therefore, the Civil Revision Petition is closed. However, liberty is granted to the petitioner/defendant to file a fresh application, if the respondent/plaintiff files an application for restoration and the same is entertained by the Trial Court. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2022

ogy

Index : Yes / No.

Internet: Yes / No.

To

The District Munsif Court,
Melur.

3/4



WEB COPY



CRP(PD)(MD)No.1017 of 2019

B.PUGALENDHI, J.

ogy

CRP(PD)(MD)No.1017 of 2019

09.09.2022