



CRP(PD)(MD)No.2018 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2018 of 2022

1.K.Senthil Kumar
2.S.Sujitha

... Petitioners

Vs

1.A.M.Virumandi
2.V.Ishwarya

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to direct the I Additional District Judge, Madurai to number the unnumbered I.A.No. /2022 in A.No.11139/2022 in O.S.No.138/2014.

For Petitioners : Ms.N.Juliet Latha
For Respondents : Mr.M.Kannan

ORDER

This Civil Revision Petition is filed seeking direction to the learned I Additional District Judge, Madurai to number the unnumbered interlocutory application in A.No.11139/2022 in O.S.No. 138/2014.



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2.The petitioners are the defendants 3 & 4 in O.S.No.138 of 2014, on the file of the I Additional District Judge, Madurai. When the suit was posted for hearing on 23.03.2018, the defendants 3 & 4 have not appeared and hence they were set exparte and exparte order was also passed. Thereafter, on 28.07.2022, the petitioners/defendants 3 & 4 filed an interlocutory application, under Order 9 Rule 7 of Civil Procedure Code, to set aside the exparte order, dated 23.03.2018. The said application was returned by the trial Court as not maintainable that it is barred by limitation. Aggrieved over the same, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner submits that it is settled position of law that there is no period of limitation prescribed under Order 9 Rule 7 of Civil Procedure Code. He also relied upon the Judgment of this Court reported in ***Rajasekar Vs. Govindammal, reported in 2020 (6) CTC 724.***



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4. In view of the above judgment, the impugned order of return passed by the I Additional District Judge, Madurai is set aside. Registry is directed to return the papers to the petitioners enabling them to re-present the petition before the trial Court. The trial Court shall number the petition and decide the issue in accordance with law. Considering the fact that the suit is of the year 2014, the trial Court shall endeavour to dispose of the suit as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

5. With the above directions, this Civil Revision Petition is allowed. No costs.

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Index : Yes / No.
Internet : Yes / No.
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The I Additional District Judge, Madurai



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B.PUGALENDHI, J.

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Order made in
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