



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.1927 of 2019 and
CMP(MD).No.9825 of 2019

1. Minor Bhavasri
2. Minor Raja @ Soranendra Cholan : Petitioners / Respondents/
Plaintiffs

(Represented by their natural guardian
and Mother C.Kayalvizhi)

Vs.

- 1.P.T. Raja ... Respondent/Petitioner/
4th Defendant
- 2.C.Balakumar
- 3.C.Selvakumar
- 4.C.Kumar : Respondents /Respondents/
Defendants No.1 to 3

PRAYER:- Civil Revision Petition filed under Section 115 CPC against the order, dated 27.08.2019 passed in I.A.No.223 of 2019 in O.S.No.209 of 2015, passed by the I Additional Sub Court, Madurai.

For petitioners : Mrs. Kayalvizhi
Party in person
For 1st Respondent : Mr.V. Perumal
R2 to R4 : No appearance

ORDER

The revision petitioners / plaintiffs filed this revision to set aside the order, dated 27.08.2019 passed in I.A.No.223 of 2019 in O.S.No.209 of 2015, passed by the I Additional Sub Court, Madurai.

2. Heard both sides and perused the materials available on record.

3. The said Interlocutory Application filed by the 1st respondent / 4th defendant to set aside the ex parte decree passed in O.S.No.209 of 2015. The trial Court has allowed the application and set aside the ex parte decree. Aggrieved by this, the revision petitioners / plaintiffs filed this revision.



4. The delay is 298 days in filing an application under Order 9 Rule 13CPC and the said application was allowed. Now, the revision petitioners filed this revision only against the conditional order. The suit is for partition. So, the trial Court has to decide on the basis of documents filed by both sides. The 1st respondent / 4th defendant claimed his right with this property and hence, the trial Court has allowed the condonation delay application. Subsequently, Order 9 Rule 13 CPC was also allowed and the written statement also filed along with this petition. So, this Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order dated 27.08.2019 passed in I.A.No.223 of 2019 in O.S.No.209 of 2015 on the file of the I Additional Sub Court, Madurai. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. Since the suit is pending from the year 2015, the I Additional Subordinate Judge, Madurai is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The I Additional Sub Judge, Madurai.

COPY TO:

- 1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
- 2.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-14196[F] dated 24/03/2022)

+1 CC to M/s.K.KANNAN, Advocate (SR-14988[F] dated 28/03/2022)

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ss (CO)GC (04.04.2022) 2P 6C

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