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C.R.P. No.3390 of 2019 and
C.M.P. No.22225 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.3390 of 2019 and
C.M.P. No.22225 of 2019

Valarmathi

... Petitioner

Vs.

Kanchana

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order of the learned Additional District Munsif Court, Alandur in I.A. No.1752 of 2016 in O.S. No.546 of 2014 dated 28.11.2018.

For Petitioner : Mr.V.Chinnasamy

For Respondent : Notice served. No appearance.

ORDER



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This revision is preferred challenging an order dated 28.11.2018 passed by the learned Additional District Munsif, Alandur in I.A. No.1752 of 2016 dismissing the application filed by the revision petitioner/defendant in O.S. No.546 of 2014 for setting aside the ex-parte order dated 16.12.2014.

2. The suit is laid for bare injunction by the tenant of the revision petitioner and as indicated earlier he was set ex-parte on 16.12.2014. The revision petitioner had then taken out the aforesaid interlocutory application for setting aside the said order and the trial court dismissed it on the ground that the revision petitioner ought to have filed an application under Section 5 of the Limitation Act for condonation of delay in taking out the said application.

3. Heard the learned counsel for the revision petitioner and perused the materials available in the form of typed set of papers.

4. The law is too fairly settled that where a defendant is only set ex-parte and no decree has been passed then the defendant only needs to make an application



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for setting aside the ex-parte order. No limitation will operate.

5. In conclusion, this revision is allowed and the order of the learned Additional District Munsif Court, Alandur dated 28.11.2018 made in I.A. No.1752 of 2016 in O.S. No.546 of 2014 is set aside. No costs. Consequently, the connected civil miscellaneous petition is closed.

18.04.2023

Asr

To
The Additional District Munsif Court, Alandur



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N.SESHASAYEE, J.,

Asr

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18.04.2023