



C.R.P.(MD)No.1018 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.1018 of 2021

1.Aarpulingam, S/o.Sathasivam
2.Periyakaruppan, S/o.Yegambaram Servaikarar

.. Petitioners

Versus

1.Sekar, S/o.Thangasamy Aasari

2.The Tahsildar,
Avudaiyarkovil Taluk,
Avudaiyarkovil,
Pudukkottai District.

3.The Revenue Divisional officer,
Aranthangi Divisional Office,
Pudukkottai District.

4.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

5.The District Collector,
Pudukkottai,
Pudukkottai District.

6.The Block Development Officer (Village Panchayat),
Avudaiyarkovil Panchayat Union,
Avudaiyarkovil,
Pudukkottai District.

7.The Sub-Registrar,
Aranthangi,
Pudukkottai District.

.. Respondents



Prayer :- Petition filed under Article 227 of the Constitution of India, against the order dated 13.12.2019, passed in unnumbered I.A.No. ... of 2019 in O.S.No.338 of 2017, by the learned Sub Judge, Aranthangi.

For Petitioners : Mr.R.Paranjothi
For R1 : Mr.A.Prasanna Rajadurai
For R2 to R7 : Mr.G.Sivaraja
Government Advocate

ORDER

This Civil Revision Petition has been filed against the order dated 13.12.2019, passed in unnumbered I.A.No. ... of 2019 in O.S.No.338 of 2017, by the learned Sub Judge, Aranthangi.

2.The petitioners are the defendants 1 and 2 in O.S.No.338 of 2017 before the Sub Court, Aranthangi. The first petitioner/first defendant filed his written statement on 13.07.2018. However, the petitioners failed to appear before the Trial Court on 05.08.2019 and therefore, they were set ex parte. Thereafter, the Trial Court has proceeded to decree the suit ex parte on 05.08.2019. Hence, the petitioners filed unnumbered I.A.No..... of 2019 to set aside the ex parte decree, dated 05.08.2019. However, the learned Sub Judge, Aranthangi, has rejected the said application. Challenging the same, the petitioners have come out with the present Civil Revision Petition.



3. There is no merit in the present Civil Revision Petition, as it is prematured.

Therefore, the present Civil Revision Petition is liable to be dismissed. Accordingly, it is dismissed. Liberty is given to the petitioners to file an appropriate application for condoning the delay in filing the application to set aside the ex parte decree, dated 05.08.2019. On such application being filed for condoning the delay, the Court below shall consider the same and pass appropriate orders. In case, the delay is condoned, the application for setting aside the ex parte decree, dated 05.08.2019, which has been returned, may be numbered and appropriate orders may be passed.

No costs.

NCC : Yes/No

18.04.2023

Index : Yes/No

Internet : Yes/No

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Note:- Registry is directed to return all the original documents filed along with this revision after getting attesting copies of the same.

To

1. The Sub Judge,
Aranthangi.

2. The Tahsildar,
Avudaiyarkovil Taluk,
Avudaiyarkovil,
Pudukkottai District.

3. The Revenue Divisional officer,
Aranthangi Divisional Office,
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4. The District Revenue Officer,
Pudukkottai,
Pudukkottai District.



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5.The District Collector,
Pudukkottia,
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6.The Block Development Officer (Village Panchayat),
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7.The Sub-Registrar,
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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.1018 of 2021

18.04.2023