



C.R.P(MD)No.560 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.560 of 2023

and

C.M.P(MD)No.2629 of 2023

Latha Ravisekar

... Petitioner/Petitioner/
Objector/3rd Party

Vs.

1.P.Kannammal

2.P.Kavitha

3.P.Balamurugan

... Respondents/Respondents 1-3/
Petitioners-Decree Holders/
Plaintiffs

4.D.Dhayanidhi

5.D.Porkazhagan

... Respondents/Respondents 4&5/
Respondents 2 &3/
Defendants 2&3

M.Jeyachandran (Died)

6.Sathiyavathi

7.R.Punitha

8.Bagyavathi

9.Bhuvaneshwari



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10.Senthil Murugan
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... Respondents/Respondents 7-11/
Respondents 6,8,9-11/---

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this civil revision petition by setting aside the petition and order, dated 28.01.2023 made in E.A.No.28 of 2021 in E.P.No.30 of 2019 in O.S.No.103 of 1997 on the file of the Additional District Munsif Court, Thanjavur.

For Petitioner : Mr.M.Thirunavukkarasu

ORDER

The present revision petition has been filed challenging the dismissal of E.A.No.28 of 2021 for default on 28.01.2023.

2. According to the learned counsel appearing for the petitioner, the main execution petition in E.P.No.30 of 2019 has already been disposed of and therefore, he is not in a position to file any application to restore E.A.No.28 of 2021. Considering the fact that E.A.No.28 of 2021 has been dismissed for default, the present revision petition is not maintainable. However, in case, if E.P.No.30 of 2019 restored for any reason, the revision petitioner is entitled to file an application to restore E.A.No.28 of 2021.



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3. With these observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

03.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Additional District Munsif Court,
Thanjavur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.560 of 2023

03.03.2023