



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.06.2023**

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1514 of 2023

S.Ramasamy

...Petitioner

Vs.

S.Velayutham

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned IV Additional District Judge, Tirunelveli to complete the trial and dispose of the case in E.P.No.11 of 2017 in O.S.No.109 of 2013 pending on his file as expeditious as possible.

For Petitioner

: Mr.K.A.Mariappan

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order passed in E.P.No.11 of 2017 in O.S.No.109 of 2013 on the file of the learned IV Additional District Judge, Tirunelveli.

2.The petitioner is the plaintiff, who has secured an exparte judgment and decree in O.S.No.109 of 2013 from the trial Court. The respondent who are



defendant before the trial Court were set exparte. On the strength of the exparte judgment and decree dated 25.11.2016, the petitioner has filed in E.P.No.11 of 2017 before the learned Additional District Judge, Tirunelveli. In the meanwhile, the respondent has filed an application to set aside exparte judgment and decree dated 25.11.2016, which was subject matter of I.A.No.1 of 2021, which was dismissed by the Court on 13.06.2022. In the E.P. Proceedings also, the respondent has filed an application to set aside the exparte order, which has been dismissed by the Court on 09.02.2023. Therefore, the petitioner has filed this civil revision petition to direct the learned IV Additional District Judge, Tirunelveli to complete the trial and dispose of as expeditious as possible.

3. Having considered the order that has been referred to supra and considering the aforesaid submissions made, Court is inclined to allow this Civil Revision Petition at the time of admission after dispensing with the notice on the respondent, by directing the learned Additional District Judge to dispose of E.P.No.11 of 2019 in O.S.No.109 of 2013 as expeditious as possible subject to any other orders or appellate or revisional Court in such proceedings that may have been preferred by the respondent before such Courts. If the respondent failed to secure any order, the Court shall endeavour to dispose of E.P.No.11 of 2017 as expeditiously as possible, preferably, within a period of twelve months subject to the above.



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4. In view of the above, the civil revision petition stands allowed. No Costs.

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

To

1. The IV Additional District Judge, Tirunelveli .

2. The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

Mrn/kkd

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