



C.R.P(MD)No.1547 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1547 of 2023

and

C.M.P(MD)No.7622 of 2023

1.M/s.Ettappan and Sons,
Registered Firm Regn No.11/74,
Through its Managing Director,
E.Jeyaraman,
S/o.(Late) TMK Ettappan
D.No.53G, "Castle Wood Annex"
SN High Road,
Tirunelveli Junction 627001.

2.E.Jeyaraman

3.E.Mohanram

4.E.Venkatavijayan

5.E.M.Chandra Saithaniya

...Petitioners/Respondents/
Petitioners

Vs.

Kasiviswanathan

...Respondent/Petitioner/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in



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I.A.No.6 of 2022 in R.L.T.O.P.No.10 of 2022 dated 12.04.2023 on the file of the I Additional District Munsif, Tirunelveli.

For Petitioners : Mr.T.Selvan

ORDER

The present Civil Revision Petition has been filed against the fair and decreetal order dated 12.04.2023 passed by the learned I Additional District Munsif Judge, Tirunelveli in I.A.No.6 of 2022 in R.L.T.O.P.No. 10 of 2022.

2. The petitioners herein have filed R.L.T.O.P.No.10 of 2022 before the I Additional District Munsif Court, Tirunelveli. In the said proceeding, the respondent was set *ex parte* on 28.07.2022. Therefore, the respondent filed I.A.No.6 of 2022 to set aside the *ex parte* order setting the respondent *ex parte* on 28.07.2022. I.A.No.6 of 2022 was allowed on 12.04.2023.

3. The petitioners are aggrieved by the same. The only ground on which the present civil revision petition has been filed is that the Court failed to take note that the address mentioned in the decree in A.S.No.7



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of 2020 is one and the same and in the R.L.T.O.P petition filed by the petitioners herein. It is further submitted that the respondent is in arrears of Rs.21,00,000/- (Rupees Twenty One Lakhs only) and the Court has mechanically set aside the order setting the respondent *ex parte* on 28.07.2022.

4. I have considered the arguments advanced by the learned counsel for the petitioner. I have also perused the impugned order.

5. There is no delay in filing an application in I.A.No.6 of 2022 to set aside the *ex parte* order setting the respondent *ex parte* on 28.07.2022. The application was filed on 26.09.2022. Thus, the respondent has taken steps immediately to set aside the *ex parte* order setting the respondent *ex parte* on 28.07.2022. Therefore, there is no merit in the present Civil Revision Petition.

6. In view of the above, the present Civil Revision Petition is liable to be dismissed and accordingly, dismissed. However, Considering the fact that the respondent appears to be in arrears for a predominantly long period, there shall be a direction to the I Additional District Munsif



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Court, Tirunelveli to dispose of R.L.T.O.P.No.10 of 2022 as expeditiously as possible preferably within a period of 6 months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2023

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

To

- 1.The I Additional District Munsif Court,
Tirunelveli.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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