



CRP No.3510 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2024

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THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

CRP No.3510 of 2024 &
CMP.No.19036 of 2024

Murugesan : Petitioner

versus

1.Deivanaiammal
2.Kamalam
3.Manimegalai
4.Muthulakshmi : Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the V Additional District Judge, Coimbatore in I.A.No.4 of 2024 in O.S.No.468 of 2016 dated 19.03.2024.

For Petitioner : Ms.V.Karthigaipriya

For Respondents
2 to 4 : Mr.Suthakar



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ORDER

I have heard Ms.V.Karthigaipriya for the civil revision petitioner and Mr.Suthakar for the respondents 2 to 4.

2. When the revision was taken up for disposal, the learned counsel for the respondent 2 to 4 would point out that after the dismissal of the petition under Order IX Rule 7 of the Code of Civil Procedure, on 19.03.2024 the learned V Additional District and Sessions Judge, Coimbatore decreed the suit exparte on that very day.

3. Once the suit is decreed exparte, I am not in a position to revise the order of dismissal of an application under Order IX Rule 7. The appropriate remedy for the plaintiff is to set aside the exparte decree by moving an application under Order IX Rule 13. He should have to explain the reason as to why he was not present on 19.03.2024 when the exparte decree was passed.

4. Giving liberty to the petitioner to file an application under Order IX



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Rule 13 of the Code of Civil Procedure, this civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.09.2024

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No

To

The V Additional District and Sessions
Judge, Coimbatore.



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V.LAKSHMINARAYANAN, J.

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