



C.R.P. (MD) No. 194 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 194 of 2022

and

C.M.P. (MD) No.846 of 2022

Vanumamalai

... Petitioner/Defendant

-VS-

1.Avudaiyammal

2.Lakshmi

3.Arumugam

... Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.4 of 2021 in O.S.No.96 of 2013 dated 12.11.2021 on the file of the District Munsif Court, Nanguneri and allow the civil revision petition.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.R.Balakrishnan

ORDER

This Civil Revision Petition is filed against the order passed by the learned District Munsif, Nanguneri, in I.A.No.4 of 2021 in O.S.No.96 of 2013 rejecting the application for condonation of delay in filing the application to set aside the *exparte* decree.



C.R.P. (MD) No. 194 of 2022

WEB COPY

2. In such circumstances, the Hon'ble Supreme Court of India in ***Koushik Mutually Aided Co-operative Housing Society v. Ameena Begum***, (2023 SCC Online SC 1662), has held that even as against such application filed to condone the delay under Section 5 of the Limitation Act, 1963, since it results in dismissing the consequential application under Order IX Rule 13 has held that only an appeal will lie and the Civil Revision Petition is not maintainable.

3. In view thereof, the present Civil Revision Petition is dismissed as not maintainable, however, with liberty to the petitioner to file an appeal before the appropriate Court. The period between the date of filing of the Civil Revision Petition, i.e., from 27.01.2022 till the date of receipt of a copy of this order shall be excluded for the purpose of calculating limitation for filing the appeal. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.07.2024

NCC : Yes/No

PKN



C.R.P. (MD) No. 194 of 2022

WEB COPY

To

1. The District Munsif Court, Nanguneri.

2. The Section Officer,

Vernacular Records,

Madurai Bench of Madras High Court,

Madurai.



WEB COPY



C.R.P. (MD) No. 194 of 2022

D.BHARATHA CHAKRAVARTHY, J.

PKN

C.R.P. (MD) No. 194 of 2022

11.07.2024