



C.R.P.(MD)No.655 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.655 of 2024

Sivavel Murugan

... Petitioner/Petitioner/2nd Defendant

Vs.

1.Kamatchiammal

2.Anandanayaki

3.Krishnaveni

... Respondents/Respondents/Plaintiffs

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to call for the records relating to the order passed by learned Principal District Munsif, Veda sandhur in I.A.No.288 of 2018 in O.S.No.188 of 2011 and set aside the same.

For Petitioner : Mr.S.Pugalendhi

For Respondents : Mr.S.Gokulraj

ORDER

This revision petition has been filed to set aside the order passed by learned Principal District Munsif, Veda sandhur, in I.A.No.288 of 2018 in O.S.No.188 of 2011.



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2.The facts in brief:

Suit in O.S.No.188 of 2011 was filed by the respondent herein seeking the relief of partition and separate possession of $\frac{3}{4}$ share in the property and for cost. The defendant even though served did not appear. So suit was decided exparte on 26.04.2012. To set aside the exparte decree, there was a delay of 2701 days. To condone the delay I.A.No.288 of 2018 was filed along with an application under Order 9 Rule 13 in I.A.No.289 of 2018. Both applications were heard by the trial Court and came to be dismissed by separate orders. Against the order passed in I.A.No.288 of 2018, this revision is preferred.

3.Heard both sides.

4.Without going into merits of the matter the revision can be dismissed with liberty to the revision petitioner to file appeal against the order passed in I.A.No.289 of 2018 before the appellate Court, in view of the Honourable Supreme Court in the case of ***The Koushik Mutually Aided Co-operative Housing Society Vs. Aameena Begum and another*** reported in ***2023 Live Law (SC) 1056***. If any observation or discussion



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is made with regard to the merits of the matter it may affect or cause prejudice to the parties.

5.In view of the above said liberty, this revision stands dismissed.

But at the same time, while calculating the limitation period for filing appeal against the order passed in I.A.No.289 of 2018, time taken by this proceedings may be deducted as per Section 14 of the Limitation Act, since the revision petitioner has deposited Rs.6 lakhs in bonafide manner. No costs.

06.12.2024

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

To

- 1.The Principal District Munsif, Veda sandhur.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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