



C.R.P(MD).No.913 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.913 of 2023

and

C.M.P(MD)No.4201 of 2023

Sekar ... Petitioner / Petitioner / 3rd Party / Defendant

Vs

1.Savarimuthu

2.Arokiaraj

3.Arulandu

... Respondents Nos.1 to 3 / Respondents Nos.1 to 3 /
Defendants

4.Isabellameri

5.Cerosirani

... Respondents 4 and 5/ Respondents 4 and 5/
Defendants

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.02.2023 made in I.A.No.161 of 2021 in O.S.No.46 of 2015 on the file of the District Munsif Court, Paramakudi.



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For Petitioners : Mr.PT.S.Narendravasan

For R1 to R3 : Mr.D.Senthil

For R4 and R5 : No appearance

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 13.02.2023 made in I.A.No.161 of 2021 in O.S.No. 46 of 2015 on the file of the District Munsif Court, Paramakudi.

2. This revision petition is filed by the revision petitioner against the judgment and decree in I.A.No.161 of 2021 in O.S.No.46 of 2015, which petition was filed by the third party namely the petitioner herein to set aside the decree and judgment passed in the main suit. There was a delay of 365 days in filing the application. To condone the delay, the above said application was filed. That came to be dismissed by the trial Court by stating that a non-party to the suit cannot invoke Order 9 Rule 13 of C.P.C. Against which this revision petition has been preferred.



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3. The stand taken by the trial Court cannot be found fault.

Realising the situation, the petitioner would submit that he will work out the remedy by taking proper proceedings and if it is so, he has to file appeal against the judgment and decree. The grievance of the petitioner is that if such an appeal is preferred, the limitation point will not be raised.

4. In view of the above submission of the petitioner, the time that has been taken for decide the I.A.No.161 of 2021 may also be deducted from the time for filing the appeal. That can be taken care by the appellate Court in the application to be filed by the petitioner.

5. Learned counsel for the respondent would submit that he has no objection in deciding the above matter before the appellate Court on its own merits.



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6. With the above said observation, this Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition stands closed.

04.03.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The District Munsif Court, Paramakudi.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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