



CRP(MD)No.1951 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

CRP(MD).No.1951 of 2022 and
CMP(MD).No. 8962 of 2022

Chellappa

.. Petitioner

Vs.

Kunasekaran

... Respondent

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.164 of 2019 in O.S.No.28 of 2014 on the file of the Sub Court, Tiruchendur, dated 06.09.2021.

For Petitioner : Mr.R. Balakrishnan

For respondent : Mr.G. Rajaraman

ORDER

This Civil Revision Petition has been filed against the fair and



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decreetal order, dated 06.09.2021 passed in I.A.No.164 of 2019 in O.S.No. 28 of 2014 on the file of the Sub Court, Tiruchendur.

2. The petitioner herein has filed the said application in I.A.No.164 of 2019 seeking to condone the delay of 294 days in filing petition to set aside the ex parte decree passed in the main suit and the same was dismissed by the trial Court on 06.09.2021. Against which the present revision is preferred.

3. The Report has been called for from the trial Court and the report reveals that consequential petition filed by the revision petitioner before the trial Court in I.A.No.163 of 2019 seeking to set aside the ex parte decree passed against the petitioner in the main suit was also dismissed by the trial Court on 06.09.2021.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the Judgment of the Hon'ble Supreme Court reported in **2024 (1) MLJ 273 (SC)** in the case of **Koushik Mutually Aided**



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Co-operative Housing Society Vs. Aameena Begaum and another, the petitioner has to approach the concerned appellate Court.

6. The grievance of the petitioner is that the limitation for filing of appeal before the Appellate Court is only 30 days. Therefore the duration of pendency of the revision petition may be excluded for the purpose of limitation.

7. Hence, this Court directs the appellate authority to exclude the period of pendency of this revision petition before this Court while calculating the limitation in the appeal.

8. With the above direction, this Civil Revision Petition is disposed. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.03.2024

Internet : Yes / No

Index : Yes / No

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To

The Sub Court, Tiruchendur,



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G.ILANGOVAAN,J.

Trp

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