



C.R.P(MD)Nos.1275 & 1276 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)Nos.1275 & 1276 of 2022

1.Majifa @ Fathima

2.Nathira Begum

3.Shajitha Begum

4.Shaffrin

... Petitioners/Petitioners
Defendants 1 to 4
(In both the case)

Vs.

1.Parveen Banu

... 1st Respondent/1st Respondent
Plaintiff

2.The Tahsildhar,
Pattukottai Taluk,
Thanjavur District.

... 2nd Respondent/2nd Respondent
5th Defendant
(In both the case)

PRAYER in C.R.P(MD)No.1275 of 2022: Civil Revision Petition is
filed under Article 227 of the Constitution of India, to setting aside the

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order passed in Unnumbered I.A.S.R.2665 of 2021, dated 23.12.2021 on the file of the learned District Munsif Pudukottai consequently directing the Court below to numbering the above application for condonation of delay and dispose the same on merits in accordance with law.

PRAYER in C.R.P(MD)No.1276 of 2022: Civil Revision Petition is filed under Article 227 of the Constitution of India, to setting aside the order passed in Unnumbered I.A.S.R.2666 of 2021, dated 23.12.2021 on the file of the learned District Munsif Pudukottai consequently directing the Court below to numbering the above application for setting aside the ex parte decree and dispose the same on merits in accordance with law.

In both the case:

For Petitioners : M/s.V.Sujatha Siddharthan

For R-1 : Mr.B.Anandan

For R-2 : Mr.J.K.Jayaseelan
Government Advocate

COMMON ORDER

These Civil Revision Petitions are filed as against the rejection of the applications filed under Section 5 of the Limitation Act and under Order IX, Rule 13 of the Code of Civil Procedure to set aside the *ex*



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parte decree. In the suit, the petitioners being defendants 1 to 4 had originally filed written statement. Thereafter, during the course of the trial, they failed to appear before the Trial Court and they were set *ex parte*. However, the other defendant had contested the suit and on merits, the judgment and decree was passed on 14.12.2015. Therefore, there is no question of setting aside the *ex parte* decree or condonation of delay. The correct remedy available to the petitioner was to file an appeal. The Trial Court has rightly rejected the petitions and both the Civil Revision Petitions stand dismissed. There shall be no order as to costs.

22.07.2024

NCC : No
Index : No
Internet : Yes
BTR



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To

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1. The District Munsif,
Pudukottai.
2. The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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Order made in
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22.07.2024