



C.RP(MD)Nos.1575 and 1576 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:26.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)Nos.1575 and 1576 of 2023

1.Subramanian
2.Ganesan

..Petitioners/Petitioners/
Defendants 1 & 3 in both C.R.Ps

Vs.

Soniyammal(Died)
1.Karuppayee
2.Muthu

..Respondents 1&2/ Respondents
2&3/Plaintiffs 2&3 in both C.R.Ps

Civil Revision Petitions are filed under Section 115 of the Code of Civil Procedure, to set aside the fair order and decreetal order dated 17.02.2023 made in I.A.Nos.3 and 4 of 2022 in O.S.No.349 of 2017 on the file of the Sub-Court, Manamadurai.

For Petitioners :Mr.Vijayakumari Natarajan
For R1 & R2 :Mr.R.Senthil Kumar
For R3 :No appearance
(in both cases)



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COMMON ORDER

In this case, it is seen that apart from dismissing the application under Section 5 of the Limitation Act, the application for setting aside the ex-parte decree was also taken on file as I.A.No.4 of 2022 and the Said application was also expressly dismissed.

2.In such a situation, the judgment of the Hon'ble Supreme Court of India in ***Koushik Mutually Aided Co-operative Housing Society-Vs-Ameena Begum & Anr.***, reported in ***2023 SCC Online SC 1662***, directly applies and therefore, an appeal will lie as against both the orders.

3.In view thereof, the Civil Revision Petitions are disposed of on the following terms:

(i)The Registry is directed to return the fair and decreetal order filed along with the Civil Revision Petitions, to the learned



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counsel for the petitioners.

(ii)However, with liberty to the petitioners to file an appeal as against the said orders, then number three.

(iii)However, the period from 11.04.2022 till the date of receipt of the copy of the order, shall be excluded for the purpose of computation of limitation for filing the appeal.

(iv)No costs.

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NCC:Yes/No

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To

The Sub-Court,
Manamadurai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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