



C.R.P.NPD(MD)No.106 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.NPD(MD).No.106 of 2021

&

C.M.P(MD).No.673 of 2021

1.Rajendran

2.Mathimaran

... Petitioners

Vs.

Ilango

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the order in I.A.No.1 of 2019 in O.S.No.393 of 2009 dated 04.02.2020 on the file of the Principal District Munsif Court, Manapparai and set aside the same.

For Petitioners : Mr.N.Mohan

For Respondent : Mr.Ganapathi Subramanian



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ORDER

This Civil Revision Petition is directed against an order dated 04.02.2020 in I.A.No.1 of 2019 O.S.No.393 of 2009 passed by the learned Principal District Munsif, Manapparai. The said application was filed seeking condonation of delay of 1398 days in representing the Petition filed under Sec.5 of the Limitation Act in filing the application to set aside the exparte decree passed in O.S.No.393 of 2009.

2. When the matter came up for consideration on an earlier occasion, on 15.03.2024 it was brought to the notice of this court that a final decree was already passed in the suit on 24.10.2016 and neither any appeal filed nor any steps are taken against the said final decree. This Court having taken note of the same adjourned the matter to enable the learned counsel to ascertain as to whether any steps are taken for setting aside the final decree dated 24.10.2016.



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3. Today, when the matter is taken up for consideration, it is brought to the notice of this court that no steps have been taken against the final decree that was passed on 24.10.2016. Hence, the said final decree dated 24.10.2016 has become final. In the circumstances, the present Civil Revision Petition filed to condone the delay in representing the application under Sec. 5 of the Limitation Act to condone the delay in filing an application under Or. 9 R.13 of C.P.C to set aside the ex-parte preliminary decree does not survive. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.03.2024.

NCC : Yes/No
Index : Yes/No
Internet : Yes
kpr

To

The Principal District Munsif Court, Manapparai



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MUMMINENI SUDHEER KUMAR, J.

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20.03.2024