



C.R.P(NPD)(MD)No.1228 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(NPD)(MD)No.1228 of 2023

and

C.M.P.(MD)No.5930 of 2023

Ponraj ... Petitioner/Petitioner/4th Defendant
vs.

Paraman ... Respondent/Respondent/Plaintiff

Prayer:- Civil Revision Petitions filed under Section 115 of C.P.C., to set aside the Fair and Decreetal order made in I.A.No.32 of 2022 in O.S.No.38 of 2017 by the District Munsif Court, Oddanchatram, dated 22.09.2022.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.T.Thirumurugan

ORDER

The Civil Revision Petition is filed against the application in I.A.No.32 of 2022 in O.S.No.38 of 2017 dismissing the application



C.R.P(NPD)(MD)No.1228 of 2023

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for condonation of delay in filing the application for setting aside the *ex parte* decree. The Judgment of the Hon'ble Supreme Court of India in ***Koushik Mutually Aided Cooperative Housing Society Vs. Ameena Begum and Another***¹, has held that since the Section 5 application also results in dismissing the consequent application for setting aside the *ex parte* order, an appeal would be maintainable and the civil revision petition is not maintainable.

2.In view thereof, the Civil Revision Petition is disposed of on the following terms:

(i)The Civil Revision Petition is dismissed as not maintainable. However, with liberty to the petitioner to approach the appropriate Appellate Court;

(ii)The period from 01.11.2022 till the date of receipt of a copy of this order shall be given deduction while computing the period of limitation for filing the appeal.

No costs. Consequently, connected miscellaneous petition is

¹ 2023 SCC OnLine SC 1662



C.R.P(NPD)(MD)No.1228 of 2023

closed.

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3.Registry is directed to return the original Fair and
Decreetal order to the learned counsel for the petitioner.

11.07.2024

NCC : Yes / No
sji

To

The District Munsif Court, Oddanchatram.



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C.R.P(NPD)(MD)No.1228 of 2023

D.BHARATHA CHAKRAVARTHY, J.

sjj

C.R.P.(NPD)(MD)No.1228 of 2023

11.07.2024