



C.R.P.(MD)No.793 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)(PD)No.793 of 2017

and

C.M.P.(MD)Nos.3585 of 7913 of 2017

Ponnayyan

... Petitioner

vs.

1.Nadankutty Nadar @ Nathan Kutty (Died)

2.Ponnesam

3.Vasanth

4.Kala

5.Ramesh

6.Suresh

7.Rajesh

...Respondents

(R2 to R7 were brought on record as LR's of the deceased sole respondent vide order of this Court, dated 08.06.2023 made in C.M.P.(MD)No.1707 of 2021)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 15.03.2017 made in I.A.No.76 of 2017 in O.S.No.287 of 2014 on the file of the Principal District Munsif, Kuzhithurai.



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For Petitioner :Mr.R.Devaraj
For R1 :Died
For R5 :No Appearance
For R2 to R4, R6 and R7 :Bata due

ORDER

This Civil Revision Petition has been filed challenging the order dated 15.03.2017 passed in I.A.No.76 of 2017 in O.S.No.287 of 2014 on the file of the Principal District Munsif, Kuzhithurai.

2.The Petition was originally filed under Order VI Rule 17 r/w Section 151 of CPC. The main contention of the Revision Petitioner is with regard to the application to amend the pleadings was filed after the cross examination.

3.Though notice was issued to the respondents at the stage of admission stage, there is no representation for the respondents.

4.The learned Counsel for the petitioner would submit that the judgment itself was delivered in O.S.No.287 of 2014 on 19.04.2020.



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5.Though the learned Counsel for the petitioner makes an attempt to impress this Court that the suit itself was dismissed only for non prosecution and not on merits, when the judgment has attained the finality and in the absence of any appeal challenging the order passed by the Court below, whether it is an *ex parte* order or on merits, nothing survives.

6.In view of the above, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2024

Internet :Yes/No
NCC :Yes/No
Speaking Order :Yes/No

To

The Principal District Munsif, Kuzhithurai.



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N.SENTHILKUMAR, J.

cmr

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