



C.R.P.PD(MD)No.21 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.PD(MD)No.21 of 2020

Alagarsamy

... Petitioner

Vs.

Malaisamy

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 12.01.2016 passed in I.A.No. 441 of 2015 in O.S.No.48 of 2014 on the file of District Munsif cum Judicial Magistrate Court, Ilayangudi.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.S.Krishnan



C.R.P.PD(MD)No.21 of 2020

WEB COPY

ORDER

This Civil Revision Petition is directed against the order dated 12.01.2016, passed in I.A No.441 of 2015 in O.S.No. 48 of 2014 on the file of the District Munsif cum Judicial Magistrate, Ilayangudi.

2. The said application was filed by the petitioner herein to set aside the order setting ex-parte during the pendency of the said suit and the said application was allowed by the learned Trial court subject to the condition of payment of Rs.1,000/- towards costs within a specified time. As the petitioner herein failed to pay the costs within the stipulated time, the said application stood dismissed. Against the said order of dismissal, the present Civil Revision Petition is filed.

3. It is further brought to the notice of this Court by the learned counsel for the petitioner that subsequent to filing of this revision petition, the main suit itself was disposed of by a preliminary decree dated 03.02.2016. However, so far, no steps have been taken against the present preliminary decree dated 03.02.2016. As the main suit itself was disposed of, the question



C.R.P.PD(MD)No.21 of 2020

of entertaining the Civil Revision Petition at this stage does not arise.

4. Accordingly, the Civil Revision Petition is dismissed as infructuous. However, it is open for the petitioner to take appropriate steps against the preliminary decree dated 03.02.2016 passed in O.S. No.48 of 2014. No costs.

21.02.2024

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

To

The District Munsif cum Judicial Magistrate Court, Ilayangudi



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C.R.P.PD(MD)No.21 of 2020

MUMMINENI SUDHEER KUMAR, J.

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C.R.P.PD(MD)No.21 of 2020

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