



C.R.P(MD)No.2913 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2913 of 2024

Raguramaiah

... Petitioner

Vs.

1.Vinod Jeyasingh

2.Vimal Bensingh

3.Vijay Golden Singh

4.Udaiya Maharajan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records pertaining to the fair and decreetal order, dated 24.09.2024 passed in I.A.No.2 of 2024 in O.S.No. 180 of 2013 by the Subordinate Judge, Valliyoor and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.A.Srinivasan



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ORDER

The present Civil Revision Petition is preferred against the order passed in I.A.No.2 of 2024 in O.S.No.180 of 2013 by the learned Sub Judge, Valliyoor.

2. According to the revision petitioner, the revision petitioner is the plaintiff in the above suit. The suit was filed for declaration of title and the same was posted on 13.09.2023 for appearance of the plaintiff. Since the plaintiff failed to appear, the suit was dismissed for default. Hence, the petitioner filed an application under Order IX, Rule 9 of CPC for setting aside the dismissal order passed against the revision petitioner. However, the Trial Court dismissed the said application. Aggrieved by this, the present revision is preferred.

3. However, under Order IX, Rule 9 of CPC rejecting an application for an order to set aside the dismissal of a suit, only appeal has to be filed. Therefore, the present revision petition is dismissed as



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not maintainable. However, liberty is given to the revision petitioner to prefer an appeal before the appropriate forum excluding the time spent in filing the revision petition.

4. In the result, this Civil Revision Petition stands dismissed.

There shall be no order as to costs.

03.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Registry is directed to return the fair and decreetal order to the petitioner after getting attested copies of the same.

To

The Subordinate Judge,
Valliyoor.

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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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03.12.2024