



C.R.P(MD)No.2287 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2287 of 2022
and
C.M.P(MD)No.10914 of 2022

L.Harigopalakrishnan

... Petitioner/Defendant

Vs.

K.Sathiyamoorthy

... Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Ex-parte decree and Judgment, dated 02.06.2017 passed in O.S.No.220 of 2014 on the file of Sub Court, Padmanabapuram, Kanyakumari District.

For Petitioner : Mr.B.Prabhalad Ravi

ORDER

The defendant in O.S.No.220 of 2014 on the file of Sub Court, Padmanabapuram is the revision petitioner herein.



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WEB COPY 2. The revision petition has been filed challenging the ex parte money decree passed in the above said suit on 02.06.2017.

3. It is brought to the notice of the Court that, to set aside the ex parte decree, the defendant has already filed an application under Order IX Rule 13 of Code of Civil Procedure before the trial Court. However, the said application could not be numbered in view of the fact that the records have been retained in the District Court records.

4. This Court is of the considered opinion that, when the defendant has already availed the remedy of filing an application under Order IX Rule 13 of C.P.C, the present revision petition is not maintainable and he has to work out his remedy in the said application. The District Court, Nagercoil is directed to send the records relating to O.S.No.220 of 2014 on the file of Sub Court, Padmanabapuram to the concerned Court within a period of two (2) weeks from the date of receipt of copy of this order.



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WEB COPY 5. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

19.02.2025

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

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To

- 1.The District Court,
Nagercoil.
- 2.The Sub Court
Padmanabapuram.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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Order made in
C.R.P(MD)No.2287 of 2022

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