



C.R..P.(NPD)(MD).No.3241 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.3241 of 2024

and

C.M.P(MD) No.18710 of 2024

1. Rajaram

2. Sherlin Geetha

3. Bendict Mary

4. Anitta Mary

... Petitioners/Respondents/
Plaintiffs

Vs.

The Managing Director,
Indian Overseas Bank
Central Office, No.763, Anna Salai,
Chennai – 02.

Represented by its
Authorized Agent and Branch Manager,
At Nadaikkaru, Methukummal Village,
Killiyoor Taluk,
Kanyakumari District.

... Respondent/Petitioner/
Defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order in I.A.No.1 of 2023 in O.S.No.201 of 2022 passed by the Sub Court, Kuzhithurai, dated 26.09.2024.

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For Petitioners : Mr.A.Balakrishnan

For Respondent : Mr.N.Dilipkumar

ORDER

The Plaintiffs in O.S.No.201 of 2022 on the file of the Sub Court, Kuzhithurai, are the revision petitioners herein.

2. The above said suit was filed for the relief of eviction and for recover of arrears of rent. The defendant had remained *ex parte* and an *ex parte* decree came to be passed on 31.08.2023. An application was filed under Order IX Rule 13 of C.P.C, to set aside the *ex parte* decree within 30 days. The said application has been allowed by the trial Court on 26.09.2024. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioners, the trial Court ought to have seen that the wantonly the defendant had remained *ex parte* and they have filed an application to set aside the *ex parte* decree only to drag on the proceedings.



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4. However, the learned counsel appearing for the respondent Bank had contended that immediately after they came to know about the *ex parte* decree, they have filed an application for setting aside the *ex-parte* decree. Hence, he prayed for sustaining the order passed by the trial Court.

5. Heard both sides.

6. A perusal of the records reveal that the suit is of the year 2022, and the defendant Bank had remained *ex parte* on 31.08.2023 and an application to set aside the *ex parte* decree was filed on 27.09.2023 within a period of 30 days. The trial Court has rightly allowed the said application. This Court does not find any reason to interfere in the said order.

7. Considering the fact that the suit is of the year 2022, and the written statement has already been filed by the petitioners, the trial Court is directed to dispose of the suit in O.S.No.201 of 2022 on or before **30.11.2025**.



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8. With the above said observations, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

07.02.2025

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

1. The Sub Court,
Kuzhithurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.
3. The Managing Director,
Indian Overseas Bank
Central Office, No.763, Anna Salai,
Chennai – 02.

Represented by its
Authorized Agent and Branch Manager,
At Nadaikkaru, Methukummal Village,
Killiyoor Taluk,
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