



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 2026 of 2022

P.Ashok Kumar

..Petitioner(s)

Vs

P.K.Periyasamy (Deceased),
Anusuya

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decretal Order dated 09.03.2022 in I.A.No.2 of 2019 in O.S.No.50 of 2016 and restore IA.No.1 of 2019, on the file of Sub Court, Rasipuram, allow the Civil Revision Petition.

For Petitioner(s):	Mr.S.Kalyanaraman
For Respondent(s):	Mr.C.Prabakaran

ORDER

The present Civil Revision Petition has been filed to set aside the Fair and Decretal Order dated 09.03.2022 in I.A.No.2 of 2019 in O.S.No.50 of 2016 and restore IA.No.1 of 2019, on the file of Sub Court, Rasipuram, allow the Civil Revision Petition.

2. Heard Mr.S.Kalyanaraman, learned counsel for the petitioner and Mr.C.Prabakaran, learned counsel for the respondent.



3. This Civil Revision Petition has been filed, challenging an order passed in I.A.No.2 of 2019, which had been filed under Order IX Rule 9 of C.P.C.

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4. Originally, the suit had been dismissed for default and an application under Order IX Rule 9 of C.P.C., has been filed by the petitioner, seeking to restore the suit in I.A.No.1 of 2019 and the same also came to be dismissed for default. Again, an application under Order IX Rule 9 of C.P.C., read with 151 of C.P.C., had been filed and the same had also been dismissed on merits.

5. Order XLIII Rule 1(c) of C.P.C., would indicate that against an order passed under Order IX Rule 9 of C.P.C., only an appeal would be the remedy, as provided under Section 104 C.P.C. Hence, this revision petition as initiated by the petitioner would not be maintainable.

6. Accordingly, this Civil Revision Petition is dismissed with liberty to the petitioner to file an appeal as against the same and in the event of any appeal being filed, the period of pendency of this revision, namely the date of filing of the revision till the date of its disposal, namely today, shall stands excluded. No costs.

18-03-2026

Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The Sub Court,
Rasipuram.



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K.KUMARESH BABU, J.

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