

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 5461/2022

(Arising out of impugned final judgment and order dated 19-11-2021 in CRPNPDMD No. 1054/2021 passed by the High Court of Judicature at Madras at Madurai)

MOHAMED ALI

Petitioner(s)

VERSUS

V. PERUMAL & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.45521/2022-EXEMPTION FROM FILING O.T.)

Date : 22-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. T. Gopal, Adv.
Mr. G. Sivabalamurugan, AOR

For Respondent(s) Mr. A. Sirajudeen, Sr. Adv.
Mr. C. Kannan, Adv.
Mr. Chand Qureshi, AOR

UPON hearing the counsel the Court made the following
O R D E R

From the impugned judgment and order passed by the High Court, it appears that the High Court has set aside the order passed by the learned Trial Court refusing to condone the delay of 2345 days and 1522 days in preferring the applications for setting aside ex-parte decree as if the High Court was considering the appeal against the original judgment and decree passed by the Trial Court. It is submitted that one of the revision applications was under Article 227 of the Constitution of India challenging the ex-parte judgment and decree. We are prima facie of the opinion that

contd..

the revision application/writ petition under Article 227 of the Constitution of India challenging ex-parte decree was not maintainable at all.

Issue notice for final disposal returnable on 06.05.2022.

Mr. Chand Qureshi, learned counsel accepts notice on behalf of the respondent no. 1.

Dasti, in addition, is permitted for rest of the respondents, who are to be served within a period of four days from today.

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER