



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

REV.APPL No. 53 of 2026

1.Parvathi

W/o.Thangarasu, Idayatthan Kudigramam,
Ariyalur Taluk and District

2.Dhanaraj

S/o.Thangarasu, Idayatthan Kudigramam, Ariyalur
Taluk and District

3.Subramaniyan

S/o.Thangarasu, Idayatthan Kudigramam, Ariyalur
Taluk and District Rep. by his power agent
Dhanaselvan

..Petitioner(s)

Vs

1.Arjunan (died) 1. Pachaiyammal

W/o.Arjunan Idayatthan Kudigramam Ariyalur
Taluk and District

2.Vasuki

W/o.Asokan, Idayatthan Kudigramam Ariyalur
Taluk and District

3.Ezhilarasi

W/o.Kadhiravan, Idayatthan Kudigramam Ariyalur
Taluk and District

..Respondent(s)

Prayer: Petition filed under section 114 r/w. Order XLVII Rule 1 of CPC.,
praying to review the orders in CRP(NPD) No. 2826/2023 dated 17/8/2023 and
allow the CRP.

For Petitioner(s):

MR. S. KAMADEVAN

For Respondent(s):

R1 - DIED



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R-2 AND R3 - NO APPEARANCE

ORDER

Notice was served, and the names of the respondents were printed in the cause list. However, none appeared on their behalf.

2. The revision petitioners are the defendants in O.S. No. 588 of 2004. The said suit was filed by the original plaintiff, Arjunan, who has since died, and his legal heirs have been brought on record. The suit was filed against four defendants, who are the revision petitioners herein, seeking the relief of declaration and consequential injunction in respect of the landed property described in the plaint schedule.

3. In the said suit, the third defendant appeared and filed a written statement. Thereafter, the defendants failed to appear before the Trial Court. Consequently, they were set ex parte, and an ex parte decree came to be passed. Immediately upon coming to know of the ex parte decree, the defendants filed I.A. No. 54 of 2013 to set aside the ex parte decree. However, the said application was dismissed for non-prosecution on 04.09.2019. Challenging the said order, they preferred the Civil Revision Petition before this Court. However, this Court, without taking note of the fact that they had already filed their written statement and without considering the earnest steps taken by them



to set aside the ex parte decree immediately after they were set ex parte, erroneously dismissed the Civil Revision Petition on the ground that the suit had been pending for more than ten years.

4. The learned counsel for the petitioners submitted that there is an error apparent on the face of the record. It is submitted that I.A. No. 54 of 2013 was filed by the petitioners immediately after the delay was condoned. There was a delay of 928 days in filing the application to set aside the ex parte decree, and to condone the said delay, they filed I.A. No. 207 of 2012, which was allowed by the Trial Court. Thereafter, they filed I.A. No. 54 of 2013 to set aside the ex parte decree. During the pendency of the said application, the plaintiff died, and since his legal heirs were not impleaded, the application could not be effectively proceeded with. However, this Court failed to take note of these facts. Since the application under Section 5 of the Limitation Act had already been allowed by condoning the delay, those facts ought to have been considered. On a perusal of the earlier order, it is evident that these aspects were not discussed. Therefore, there is an error apparent on the face of the record.

5. Accordingly, the earlier order is set aside, and the review petition is allowed. Consequently, I.A. No. 54 of 2013 is also allowed. The revision petitioners are directed to proceed with the suit based on the written statement already filed by them. The Trial Court is directed to restore the suit to file and



decide the same on merits after affording an opportunity of hearing to both parties.

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6. Since the original plaintiff has died and his legal heirs have already been brought on record, the Trial Court is directed to issue notice to the legal heirs of the deceased plaintiff, Arjunan, in O.S. No. 588 of 2004. Though notice has been served, they have not appeared before this Court. Therefore, the Trial Court shall once again issue notice to them and thereafter dispose of the suit on merits within a period of four months from the date of receipt of a copy of this order.

7. Accordingly, this Review Application is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

25-06-2026

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

MPA
To
The Section Officer, VR Section, High Court, Madras.



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REV.APPL No. 53 of 2



T.V.THAMILSELVI, J.

MPA

**REV.APPL No. 53 of 2026
and CMP.No.17479 of 2023**

25-06-2026