



CRP No. 2972 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 2972 of 2026 AND
CMP NO. 12357 OF 2026**

N.Amaravathy

Petitioner(s)

Vs

Gopinath alias
Gopi Narayanan Yadhav (Died)
1.A.Vijayalakshmi
2.Vijay Narayana Yadav
3.Thiruvengkatasamy Pillai
4.Kasthurithilagam
5.Kothainayagi
6.Dhanalakshmi
7.The Sub Registrar
Panruti Sub-Registry, Panruti and
Taluk, Cuddalore District 607106.

Respondent(s)

PRAYER

To set aside the fair and decretal order dated 18.02.2026 made in I.A.No.183 of 2022 in O.S.No.145 of 2014 on the file of the Principal District Judge, Cuddalore.



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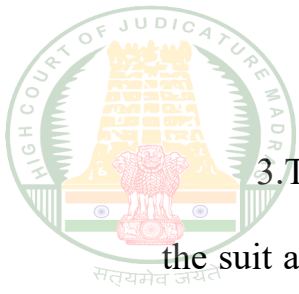


For Petitioner(s): Mr.R.Muralidharan
For Respondent(s): Mr.Hazan Mohamed Jinnah
Senior Counsel Assisted by
Ms.J.R.Archana and
Mr.Gowri Shankar for
Mr.A.Gopinath For R1 to R6
Mr. V.Prasad,
Govt.Advocate For R7

ORDER

This Civil Revision Petition has been filed, challenging the order dated 18.02.2026 passed by the Principal District Court, Cuddalore in I.A. No.183 of 2022 in O.S. No.145 of 2014.

2.Under the aforesaid order, the application filed by respondents 1 and 2 seeking to set aside the exparte decree dated 28.04.2018 has been allowed. The respondents 1 and 2 are the legal heirs of the deceased Gopinath, who was the first defendant in the suit. Under the impugned order, the application seeking to set aside the exparte decree was allowed on payment of cost of Rs.2,000/- to the plaintiff on or before 25.02.2026. The respondents 1 and 2 have also complied with the conditional order by paying the cost of Rs.2,000/- to the plaintiff. Aggrieved by the impugned order, the petitioner, who is the plaintiff in the suit has filed this Civil Revision Petition.



3. The suit has been filed for partition. The plaintiff and the defendants in the suit are brothers and sisters. The Trial Court, while allowing the application filed by respondents 1 and 2, has considered the objections raised by the plaintiff and only after giving due consideration to the fact that the suit has been filed for partition and the duration of the preliminary decree as well as after giving due consideration to the fact that the final decree application is pending, the Trial Court, in order to give one more opportunity for respondents 1 and 2 to defend the suit, had allowed the application on payment of cost of Rs.2,000/- by respondents 1 and 2 to the plaintiff in the suit.

4. This Court does not find any infirmity in the reasons given by the Trial Court for allowing the application filed by respondents 1 and 2 seeking to set aside the exparte decree dated 28.04.2018 passed in O.S. No.145 of 2014. The cost has also been received by the plaintiff in the suit. Being a partition suit, necessarily, all the parties will have to be heard for the purpose of rendering justice.

5. Since sufficient cause was shown by respondents 1 and 2 for setting aside the exparte decree, the Trial Court has rightly allowed the application on payment of cost.

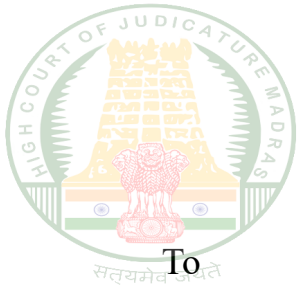


6. Learned counsel for the petitioner would submit that a contempt petition is pending before the very same court against the respondents, which is not the subject matter of consideration in this petition. The petitioner will have to work out her remedy with regard to the contempt alleged to have committed by the respondents in the contempt petition and the cause of action cannot be clubbed with this petition, which is dealing only with an application seeking to set aside the exparte decree.

7. Since sufficient cause has been shown by respondents 1 and 2 for setting aside the exparte decree, the Trial Court has rightly allowed the application on payment of cost. For the foregoing reasons, there is no merit in this petition. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected CMP is closed. No costs.

06-07-2026

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To

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1. The Principal District Judge, Cuddalore.
2. The Section Officer, VR Section, High Court, Madras.



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ABDUL QUDDHOSE J.

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