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CRP No. 4326 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-07-2026**

CORAM

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**CRP No. 4326 of 2026 and CMP No.18923 of 2026**

1. P. Munusamy  
S/o.Palani, Rest.at Kavarai Village, Gingee  
Tk., and Villupuram Dist.

Petitioner(s)

Vs

1. Premalatha  
W/o.Suresh, Rest.at Pasuvathamman Koil  
Street, Roshanai, Tindivanam.

2.Balachander  
S/o.Palani, Rest.at No.21-C, New No.59  
Hospital Road, Tindivanam.

3.Balaji  
S/o.Palani, No.21-C, New No.59 Hospital  
Road, Tindivanam.

4.P.Palani  
S/o.Poongan, Rest.at Old Colony, Kavarai  
Village, Meenambur Post, Gingee,  
Villupuram Dist.

5.P.Poovazhagi  
W/o.Palani, Rest.at Old Colony, Kavarai  
Village, Meenambur Post, Gingee,  
Villupuram Dist.

1/5



CRP No. 4326 of 2020

6.P.Prabakaran

S/o.Palani. Rest.at Old Colony, Kavarai

Village, Meenambur Post, Gingee,

Villupuram Dist.

Respondent(s)

Revision Petition filed under Article 227 of Constitution of India to direct the Principal District Munsif Court, Gingee to take on file the unnumbered I.A.SR.No.147 of 2025 in O.S.No.180 of 2011 on the file of Principal District Munsif Court, Gingee by setting aside the return with direction to the lower Court to number the same.

For Petitioner(s): D.Babu Varadharajan

### **ORDER**

The petitioner has filed an application seeking to set aside the exparte preliminary decree along with an application to condone the delay. The Court has returned the said application citing an earlier order in CRP No.3858 of 2024 dated 17.12.2024 where liberty is granted to the petitioners therein to participate in the final decree proceedings. The case of the petitioner, however, stands on an entirely different footing. According to him, his name is “Munusamy” and not “Pandian”. The sister of the petitioner, however, has cited the petitioner as if he is “Pandian” and obtained a preliminary decree without even service of summons on the petitioner. That is the



CRP No. 4326 of 2020

grievance and also the reasons set out for condonation of delay and to set aside the ~~exparte~~ preliminary decree. Unfortunately, the said application is yet to be numbered.

However, I find that after the return was complied with and represented, the learned Judge has called the matter in Open Court for arguing on maintainability of the application. The petitioner did not take advantage of the same and there was no representation on 08.04.2025 and the petition was once again returned.

2. In the light of the above, I am inclined to set aside the order or return with a direction to the learned Principal District Munsif, Gingee to call the matter in Open Court on 06.08.2026 and after hearing the counsel for the revision petitioner and the petitioner in the interlocutory application, the Principal District Munsif, Gingee shall pass orders on merits and in accordance with law including the maintainability of the petition. Such order shall be passed two weeks thereafter.

3. Registry is directed to return the original affidavits and petitions filed before this Court and also the documents to enable the petitioner to represent the same along with the copy of this order on or before 31.07.2026.



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CRP No. 4326 of 2026

**P.B.BALAJI,J**

sr

4. With the above direction, the civil revision is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

22.07.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

Note:Registry is directed to issue  
order copy on 29.07.2026

To

The Principal District Munsif Court,  
Gingee

**CRP No. 4326 of 2026**

4/5



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CRP No. 4326 of 2020