



WEB COPY

CRP No. 4914 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 4914 of 2026

and

CMP No.21463 of 2026

V.Subasree

..Petitioner(s)

Vs

1. S.Harikumar

2. Sowmya

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 22.06.2026 passed in I.A.No.6 of 2022 in O.S.No.246 of 2013 on the file of the learned District Munsif-cum-Judicial Magistrate, Madhavaram, by allowing the above Civil Revision Petition.

For Petitioner(s):

Mr.Mukund, Senior Advocate
for Mr.T.S.Baskaran

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 22.06.2026, passed in I.A.No.6 of 2022 in O.S.No.246 of 2013, on the file of the learned District Munsif-cum-Judicial Magistrate, Madhavaram, wherein the application filed by the respondents/defendants under Order IX Rule 13 of CPC came to be allowed by the Court below by imposing cost of Rs.5,000/-.

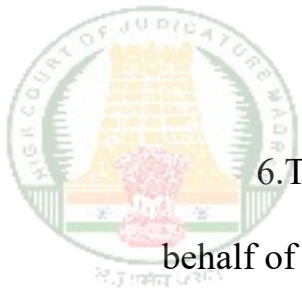


2.This Court heard the learned Senior Counsel appearing for the petitioner and carefully perused the materials available on record. This Court also carefully went through the order passed by the Court below.

3.The petitioner is the plaintiff in the suit filed in O.S.No.246 of 2013. The suit was filed seeking for the relief of delivery of possession and for damages. In this suit, the written statement was filed by the respondents/defendants and the suit was at the stage of trial and the plaintiff examined herself as PW1 and marked Exs.A1 to A11 and it was posted for cross examination. In spite of repeated adjournments, the defendants did not cross examine PW1 and hence, the defendants were set ex-parte and the ex-parte decree came to be passed on 06.07.2019.

4.The respondents/defendants filed an application under Order IX Rule 13 to set aside the ex-parte decree dated 06.07.2019.

5.The Court below by an order dated 22.06.2026 allowed the application with a view to give an opportunity to the defendants, by imposing cost of Rs.5,000/- payable by the defendants to the plaintiff on or before 06.07.2026. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.



6. The main ground that was urged by the learned Senior Counsel on behalf of the petitioner is that the defendants intentionally did not cross examine PW1 and they were watching the proceedings and therefore, the Court below while allowing the application did not take into consideration the contumacious conduct on the part of the defendants. Hence, it is contended that the order passed by the Court below is liable to be interfered with.

7. In the case in hand, the respondents/defendants already filed a written statement and the case was at the stage of trial. In view of the same, the Court below has thought it fit to give one opportunity to the defendants to contest the case and the application was allowed by imposing cost. This order passed by the Court does not suffer from any perversity warranting interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

8. In the light of the above discussions, the order passed by the Court below is sustained and considering the fact that the suit is of the year 2013, there shall be a direction to the District Munsif cum Judicial Magistrate to dispose of the suit in O.S.No.246 of 2013 within a period of four months from the date of receipt of a copy of this order.



9. This Civil Revision Petition is disposed of with the above directions.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SLI

To

The District Munsif-cum-Judicial Magistrate,
Madhavaram,



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CRP No. 4914 of 2



N.ANAND VENKATESH, J.

SLI

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