

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

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

CRP No. 5438 of 2025

1. Minor S.Durgadevi
D/o. Singaravel, Rep. by Guardian and Next
friend Mother Kannammal W/o. Singaravel,
Res. at Muslim Street, Kaliyanur Road, Sankari
Post, Sankari Taluk, Salem District.
2. Minor S. Vimaladevi
D/o. Singaravel, Rep. by Guardian and Next
friend Mother Kannammal W/o. Singaravel,
Res. at Muslim Street, Kaliyanur Road, Sankari
Post, Sankari Taluk, Salem District.

..Petitioner(s)

Vs

1. C.Raja
S/o. Late Sendrayan, Vellakarattukadu,
Travellers Bungalow Road, Sankari Village,
Sankari Taluk, Salem District.
2. R.Singaravel
S/o. C. Raja, Muslim Street, Kalliyannur Village,
Sankari Post, Sankari Taluk, Salem District.
3. R.Murugavel
S/o. C. Raja, Res. at Travellers Bungalow Road,
Sankari Village, Sankari Taluk, Salem District.
4. Sathyavani
D/o. C. Raja, Res. at Travellers Bungalow
Road, Sankari Village, Sankari Taluk, Salem
District.

..Respondent(s)

Prayer: This petition is filed under Section 115 of C.P.C to set aside the order dated 05.09.2018 made in IA No.1496 of 2017 in OS NO.114 of 2010 on the file of the District Munsif, Sankari.

For Petitioner(s): MS.K.VIJAYALAKSHMI FOR M/S.DASS AND
VISWA ASSOCIATES

For Respondent(s): MS.S.AIYSHWARYA FOR
M/S.SARVABHAUMAN ASSOCIATES FOR
R4
MR.B.GOPALAKRISHNAN FOR R2

ORDER

This petition is filed to set aside the fair and decreetal orders passed on 05.09.2018 in IA No.1496 of 2017 in OS NO.114 of 2010 on the file of the District Munsif, Sankari.

2.The case of the petitioner herein is that the above suit was dismissed for default on 03.06.2026. Hence, the petitioner filed IA No.1496 of 2017 in OS NO.114 of 2010 on the file of the District Munsif, Sankari to restore the suit on file with a delay of 141 days and the same was dismissed on 05.9.2018. Aggrieved over the same, the petitioner has come up with this petition.

3.The learned counsel for the petitioner submitted that when the aforesaid suit was posted for filing of consequential amendment petition to amend the plaint to that effect, it was informed by the petitioner's advocate that the consequential amendment petition can be filed only after boycott is withdrawn by the advocates, whereas the advocate's boycott continued for a long period.

He further submitted that the petitioners have taken all possible steps to file the restore application, inspite of that there was a delay in proceeding the case. Hence prays to allow this petition.

4. On a perusal of records, it is seen that the petitioners are the legal heirs of the second respondent and they have right over the subject property. Due to lack of communication, they were not unable to contest the suit. Hence, they have filed the application to restore the suit with a delay of 41 days and the same was dismissed on 05.09.2018. Hence, in order to give one more opportunity to the petitioner, this Court is inclined to allow this petition

5. In view of the above, the order passed in IA No.1496 of 2017 in OS NO.114 of 2010 on the file of the District Munsif, Sankari is set side and the learned Judge is directed to restore the suit in O.S.No.114 of 2010. Accordingly, this Civil Revision Petition is allowed. No order as to costs.

24-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SMN
To.
The District Munsif, Sankari.

T.V.THAMILSELVI, J.

SMN

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