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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 5089 of 2026
and CMP No.22267 of 2026**

- 1.K.Selvaraj
2. Saran Kumar
3. Kamalathal

Petitioner(s)

Vs

1. K.Kanagaraj
- 2.Minor Shruthi
D/o Kanakaraj, Minor rep by their
Father Guardian Kanakaraj Door
No.Old 602, New Door No.3/132A,
Mudalipalayam Kattampatti, Annur
Taluk, Coimbatore District
- 3.Minor Dhanush Prasad
S/o Kanakaraj, Minor rep by their
Father Guardian Kanakaraj Door
No.Old 602, New Door No.3/132A,
Mudalipalayam Kattampatti, Annur
Taluk, Coimbatore District

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to set aside the docket order passed by the IV Additional District Judge of Coimbatore in IA No.5 of 2025 in OS No.613 of 2019 dated 24.04.2026.



For Petitioner(s): Mr.M.Jaikumar

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ORDER

This Civil Revision Petition has been filed against the docket order passed by the IV Additional District Judge, Coimbatore in IA.No.5 of 2025 in OS.No.613 of 2019, dated 24.04.2026, rejecting the application filed by the petitioners/defendants under Order VIII Rule 9 of CPC.

2.When the matter came up for admission on 18.8.2026, this Court enquired to the learned counsel for the petitioners as to whether only a docket order has been passed in this case or any detailed order was passed. The learned counsel for the petitioners submitted that as per the instructions received by him only a docket order has been passed.

3.In view of the above, this Court directed the Registry to enquire the concerned Court as to whether any detailed order was passed or only a docket order was passed in this case.

4.The Registry on enquiry informed this Court that the Court below has only passed a docket order and no detailed order has been passed by considering the grounds raised.



5. Heard the learned counsel for the petitioners and carefully perused the material available on record.

6. In the case in hand, the petitioners filed an application in IA.No.5 of 2025, seeking for the relief of filing additional written statement along with a counter claim. When such an application is filed, the Court below is expected to deal with the same and assign reasons either while allowing the application or while rejecting the application. However, the Court below has passed a docket order to the following effect:

“Hearing of petitioner heard in view of memo this Court accepts to same as written statement. In relation to counter claim, time based. Hence it is rejected”.

7. Nothing can be deciphered from the above docket order passed by the learned IV Additional District Judge, Coimbatore. There is no reason assigned as to why the application filed by the petitioners came to be rejected. Hence, this docket order has to be necessarily set aside and the application has to be sent back to the Court below to be dealt with the same on merits.

8. In the light of the above discussion, the docket order passed in IA.No.5 of 2025 in OS.No.613 of 2019, dated 24.4.2026, is set aside. There shall be a



direction to the learned IV Additional District Judge, Coimbatore, to deal with IA.No.5 of 2025, on merits after affording an opportunity to both sides and final orders shall be passed, within a period of four weeks from the date of receipt of a copy of this order.

9.In the result, this Civil Revision Petition is allowed in the above terms.

No costs. Consequently, connected miscellaneous petition is closed.

20-08-2026

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

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To

IV Additional District Judge
Coimbatore.



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N.ANAND VENKATESH J.

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