



WEB COPY



CRP No. 5348 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 5348 of 2024

1. Selvi @ Selvammal

D/o. Palaniyappa Gounder, No.11/20,
Mariammankoil Backside, Salem Camp,
Mettur Dam, Salem District. presently at
No. 3/503, Nalvar Nagar,
K.Vadamaduthurai, Coimbatore 641 017
and another

2. Rani @ Usharani

D/o. Palaniyappa Gounder, No.11/20,
Mariammankoil Backside, Salem Camp,
Mettur Dam, Salem District. presently at
No. 3/503, Nalvar Nagar,
K.Vadamaduthurai, Coimbatore 641 017

Petitioner(s)

Vs

1. S.Arumugam

S/o. Late. Subbaiah Gounder, No. 3/260,
VOC Nagar, Thangammapuripattinam,
Mettur Dam (RS) Karuppathal (Died)

2.Kanniammal

W/o. K.Perumalsamy, No. 3/419,
Ganapathypalayam Opp.JKK College,
Valayakkanur Post, Sankagiri Taluk, Salem
District.

3.Saraswathy

1/6



CRP No. 5348 01 2024

W/o. Late. Ashok Kumar No. 1/20, Gandhi Street, Vilankurichi Post, Coimbatore.

4.A.Sivakumar

S/o. Late. Ashok Kumar No. 1/20, Gandhi Street, Vilankurichi Post, Coimbatore.

5.A.Senthilkumar

S/o. Late. Ashok Kumar No. 1/20, Gandhi Street, Vilankurichi Post, Coimbatore.

Selvaraj (Died)

6.Rajathi

D/o. Palaniyappa Gounder, No.11/20, Mariammankoil Backside, Salem Camp, Mettur Dam, Salem District.

7.Kumar

S/o. Palaniyappa Gounder, No.11/20, Mariammankoil Backside, Salem Camp, Mettur Dam, Salem District.

8.Jeeva

S/o. Palaniyappa Gounder, No.11/20, Mariammankoil Backside, Salem Camp, Mettur Dam, Salem District.

9.Anand

S/o. Palaniyappa Gounder, No.11/20, Mariammankoil Backside, Salem Camp, Mettur Dam, Salem District.

10.Matheswaran

S/o. Subbiah Gounder No. C4, Maistry Quarters, Salem Camp (Post) Mettur Dam, Salem

11.Parvathi

W/o. Nanjappa Gounder No. 15, II Street, Sivanandapuram, Saravanampatti Post,



CRP No. 5348 01 2024

12.Lakshmi

W/o. Kandhasamy No. 14, First Street,
MKP Colony, Maniyakaranpalayam,
Coimbatore.

13.Rajamani

W/o. Maruthachalam, No. 1/7, Sri Murugan
Nagar, Vilankurichi, Coimbatore.

14.Pappathi

W/o. Chinnasamy No.3, Kamaraj Nagar,
Mettusalai, Salem Camp, Salem.

15.Pappa @ Sampoornavalli,

W/o. Late Selvaraj, No.11/20,
Mariammankoil Backside, Salem Camp,
Mettur Dam, Salem District.

16.Navaneethan (Minor)

S/o. Late Selvaraj, No.11/20,
Mariammankoil Backside, Salem Camp,
Mettur Dam, Salem District. (Both minors
rep by their mother and natural guardian
Papa@ Sampoornavalli)

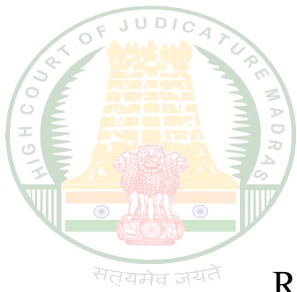
17.Janani (minor)

S/o. Late Selvaraj, No.11/20,
Mariammankoil Backside, Salem Camp,
Mettur Dam, Salem District. (Both minors
rep by their mother and natural guardian
Papa@ Sampoornavalli)

18.P.Maheswari

W/o. S.Palanisamy No.13, Kanagi Street,
Ganapathy, Coimbatore.

Respondent(s)



CRP No. 5348 of 2024

WEB COPY

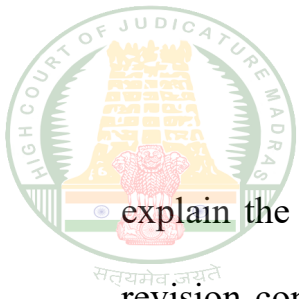
Revision filed under 115 of Civil Procedure Code to set aside the fair and decretal order dated 30.10.2024 made in I.A.No.1 of 2019 in O.S.No.681 of 2010 on the file of III Additional District Court at Coimbatore.

For Petitioner(s): R.Thirumoorthy

For Respondent(s): M/s. C.R. Prasanan-
J.Maheswaran For R1 To R5,
R10,r12,r14and R18
R15- Left
Mr.G.T.Subramani
For R.11
RR.6 to 9 and 13 – No apperance
RR.15 to 17 – Not ready in notice

ORDER

The revision is at the instance of the defendants 1 and 3 challenging the dismissal of an application in I.A.No.1 of 2019, seeking condonation of delay of 470 days. After hearing the counsel for the parties and also perusing the order of the learned Additional District Judge, Coimbatore, I find that despite the petitioners having made out sufficient cause, clearly explaining the delay and reasons for not filing the written statement in time, the trial Court has proceeded to non-suit the petitioner and deprived them of a fair opportunity to contest the suit. The trial Court has misunderstood the case put forth by the petitioners that petitioners were blaming only the lawyers, without noticing that independently, sufficient reasons have been assigned by the petitioners to

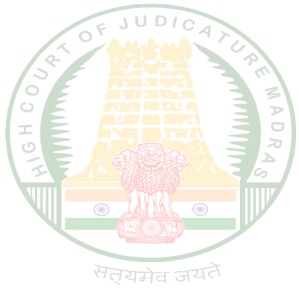


CRP No. 5348 of 2024

explain the delay of 470 days. Though Mr.C.R.Prasanan has vehemently opposed this revision contending that sufficient cause has not been made out. On a perusal of the papers, I am satisfied that the petitioners had made out just and sufficient cause.

2. As directed by this Court, today, a copy of the written statement of the defendants 1 and 3 has also been produced and a copy of the same has been served on Mr.C.R.Prasanan, learned counsel for the respondents/plaintiffs. Mr.C.R.Prasanan, learned counsel, without prejudice to the stand taken by the petitioners in the written statement, would seek for sufficient time to be granted to the plaintiffs to file a reply statement to the said written statement and he would also seek for a direction to the III Additional District Court to expedite disposal of the suit which is pending from 2010 onwards, in the event of this revision being allowed.

3. In the light of the above, while setting aside the order passed in I.A.No.1 of 2019, the trial court is directed to formally number the application to set aside the exparte decree under Order IX Rule 13 of Civil Procedure Code and allow the same. The original of the written statement, a copy of which has been produced before this Court and also served on the counsel for the respondents/plaintiffs shall be filed before the trial court within a period of one week from the date of receipt of a copy of the order.



WEB COPY



CRP No. 5348 of 2024

P.B.BALAJI.,J

sr

Two weeks' time is granted to the respondents/plaintiffs to file a reply statement, if any and thereafter, the trial Court shall frame issues and commence trial in the suit. The parties shall cooperate for expeditious disposal of the suit and the suit shall be disposed of expeditiously and in any event on or before 31.01.2027.

4. With the above direction, the civil revision petition is allowed on payment of cost of Rs.5,000/-(Rupees Five Thousand Only) which shall be paid to the learned counsel for the respondents/plaintiffs before the trial court within a period of one week from the date of receipt of a copy of this order. It is needless to state that if the said condition is not complied with, no request for extension of time will be permitted and the petitioners shall stand lose their right to defend the suit.

23.07.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The III Additional District Court, Coimbatore

CRP No. 5348 of 2024

6/6