



C.R.P (NPD) No.1575 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

**C.R.P (NPD) No.1575 of 2022**  
**and C.M.P. No.7942 of 2022**

K.Buvana

... Petitioner

Vs.

1.K.Mangammal  
2.K.Dhanasekaran  
3.V.Thilagavathi

... Respondents

**PRAYER:** The Civil Revision Petition filed under Section 115 CPC to set aside the fair and decretal order dated 02.03.2022 passed in I.A. No.477 of 2021 in O.S. No.63 of 2019 on the file of the Principal District Munsif, Poonamallee.

For Petitioner : Mr.M.Marudhachalam

**ORDER**

The first plaintiff in O.S. No.63 of 2019 pending on the file of the Principal District Munsif Court, Poonamallee, has come forward with this revision, challenging an order passed by the trial court condoning the delay in preferring an application to set aside an ex-parte decree vide its order in I.A. No.477 of 2021 dated 02.03.2022.



2. Heard the learned counsel for the revision petitioner and the learned counsel for the respondents/defendants in the present suit.

3. The suit is laid for an injunction not to disturb plaintiffs' possession over the property. In paragraph 6 of the impugned order, the learned trial judge has detailed a fact that no summons was duly or properly served on the defendants 1 and 3. This is adequate enough ground for the court to condone the delay and therefore, this court considers it necessary to interfere with the order.

4. The learned counsel for the revision petitioner added that subsequent to the suit, the defendants went on a selling spree and executed few deeds of conveyance pertaining to the property now in dispute. He therefore added that the revision petitioner has laid a suit in O.S. No.136 of 2022 before the II Additional District and Sessions Court, Tiruvallur at Poonamallee, for partition and other reliefs, which includes the property involved in the present revision.

5. This court though does not consider it necessary to interfere with the order of the trial court passed in I.A. No.477 of 2021, still deems it appropriate to transfer O.S. No.63 of 2009 pending on the file of Principal District Munsif,



C.R.P (NPD) No.1575 of 2022

Poonamallee to the file of II Additional District and Sessions Court Tiruvallur at Poonamallee, to be jointly tried with O.S. No.136 of 2022 pending before the transferee court, subject to what is stated here-in-above.

6. Accordingly, the civil revision petition is dismissed. However, there will be no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

29.04.2022

Asr

To

- 1.The II Additional District and Sessions Judge  
Tiruvallur at Poonamallee
- 2.The Principal District Munsif, Poonamallee



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C.R.P (NPD) No.1575 of 2022

**N.SESHASAYEE, J.,**

Asr

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**29.04.2022**