



C.R.P.No.2912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 2912 of 2023

and

C.M.P.No. 18028 of 2023

Vishwakarma Social Welfare Society,
Rep., by its President, Kapilarmalai Paramathi,
Vellore Taluk, Namakkal District.

.. Petitioner

Vs

Narasimmabarathi (died)
Muthukaruppan Chettiar (died)
Varadhan Chettiar (died)

1.Dhanasekaran
2.Rangaswami
3.Rangarajan

Sathyavathi (died)
Dhanalakshmi (died)

4.Jayanthi
5.Shanthi
6.Rani
7.Kumudha

Anandayee (died)

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8.Valliammal @ Ponnammall

9.Natarajan

10.Rathinammal

Jothimani (died)

11.Balasundaram

12.Thiagarajan

13.Thangavel

14.Kabiladeepan

15.Surendran

16.Kousalya

17.Dineshbabu

18.Gokulbabu

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree passed in I.A.No. 10 of 2023 in O.S.No.279 of 2004 on the file of District Munsif Court, Paramathi dated 07.01.2023.

For Petitioner : Ms. S. Agalya

For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed challenging the impugned order passed in I.A. No.10 of 2023 in O.S. No. 279 of 2004, the second defendant preferred this revision.



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2. Before the trial Court, the second defendant filed an application to set aside the ex parte order passed against him on 07.11.2022.

But the same was dismissed by the trial Judge stating that the case was pending for more than 15 years and to drag on the proceeding, filed this application. Accordingly, the same was dismissed.

3. Challenging the said finding, the second defendant preferred this revision.

4. The learned counsel for the petitioner submits that due to lack of communication from the counsel he was not able to appear but inclined to proceed with the case. However, the petitioner / second defendant filed written statement before the trial Court much earlier to contest the case.

5. Though notice sent to the respondents have been returned unserved.

6. On perusal of the records, the petitioner is added as second defendant in the suit and the plaintiffs filed a suit for permanent injunction



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and other consequential relief. In fact, the second defendant was impleaded in the suit by filing the application in I.A.No.12 of 2023, so that he is having valid defence in the suit. If opportunity is not given to him, his valuable right to defend the case will be defeated. Therefore, the order passed by the trial Judge in I.A. No. 10 of 2023 in O.S. No. 279 of 2004 on the file of District Munsif Court, Paramathi dated 07.01.2023 is set aside. The petitioner is permitted to contest the case and also cooperate with the trial proceeding.

7. In the result, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

17.10.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The District Munsif Court, Paramathi.



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T.V.THAMILSELVI, J.

AT

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