



C.R.P.Nos. 3246, 3253, 3269 & 3278 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

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

C.R.P.Nos.3246, 3253, 3269 & 3278 of 2023

and

C.M.P. No. 20202 of 2023

Kannimuthu

... Petitioner in
C.R.P.No.3246/2023

Umadevi

... Petitioner in
C.R.P.Nos.3253/2023

1. Umadevi
2. Periyasamy

... Petitioners in
C.R.P.No.3269/2023

Kannimuthu

... Petitioner in
C.R.P.No.3278/2023

Vs.

Selvaraj

... Respondent in
all C.R.P.s

PRAYER: Civil Revision Petitions filed under Art. 227 of Constitution of India, praying to set aside the common fair and decreetal order passed

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in I.A.Nos. 7 to 10 of 2023 in O.S.No. 222 of 2015, dated 05.07.2023 on
the file of the Subordinate Judge, Dharapuram.

For Petitioners in
all C.R.P.s : Mr.M.Guruprasad

For Respondent in
all C.R.P.s : Mr. K. Sudhakar

COMMON ORDER

Challenging the common fair and decreetal order 05.07.2023 passed by learned Sub-Judge, Dharapuram, the Revision Petitioners/defendants 4 and 10 have preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioners would submit that after remained exparte, they have filed two suits in O.S.Nos. 428 of 2015 and 329 of 2016 and entered into compromise among themselves. Now, to drag on the proceedings, they came forward with that application to set aside the exparte order. By way of reply, the learned counsel for respondent would submit that those two suits were filed among their



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family members and no way connected with the present suit. However, he was set exparte. As on date, the trial is not completed. Hence, he prayed to dismiss these Civil Revision Petition.

3. Records perused. On perusal of entire facts, it reveals that as per contentions of learned counsel for respondent, those two suits were filed among their family members and the same are not connected with the present suit and so far, the trial is not completed. So, if opportunity is not given to them, their valuable right to defend the case will be defeated. But, the trial judge without considering their submissions erroneously dismissed the applications and the same is liable to be set aside. Accordingly, these Civil Revision Petitions are allowed and the findings of the trial judge in a common order passed in I.A.Nos. 7 to 10 of 2023 is set aside and all the applications are ordered to be allowed. Now, the suit is ripe for judgment. So, both parties are directed to cooperate with the trial proceedings without causing unnecessary delay, more particularly, the defendants 4 and 10 already filed their written statement and the trial judge is directed to permit them to putforth their defence. On hearing



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both sides, the trial judge is directed to complete the trial and dispose the case within a period of three months from the date of receipt of copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

29.11.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

Sub-Judge,
Dharapuram.



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T.V.THAMILSELVI, J.

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