



C.R.P.(NPD) No.4963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM

THE HON'BLE JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.4963 of 2024
and C.M.P.No.27936 of 2024

1. Mr.Durai @ Balakrishnan

2. Mrs.Kalyani

... Petitioners/Petitioners/Defendants

-VS-

1. Mrs.Sathya

2. Mrs.Jabamani

3. Mrs.Chinnammal

... Respondents/Respondents/Plaintiffs

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of return on merits dated 27.09.2024 passed in I.A.No.Unnumbered Doc.No.3833/2023 in O.S.No.297 of 2015 by the Hon'ble Sessions Mahila Judge, Chengalpattu by allowing this Civil Revision Petition and direct the Hon'ble District Mahila Judge, Chengalpattu to number the I.A. and decide the same on merit.

For Petitioners : Mr.M.Silambarasan

ORDER

This Civil Revision Petition has been filed, challenging the order of the Trial Court in returning the application filed under Order 9 Rule



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13 along with application under Section 5 of the Limitation Act, 1963. The suit was decreed *ex parte* on 15.03.2019. Though an application had been taken out to set aside the *ex parte* decree, the same has been returned by the Trial Court, on the ground that a Final Decree had already been passed.

2. Without going into the merits of the matter, this Court is of the view that the Trial Court ought to have numbered the application and decided the issue on merits. Without even numbering the application, rights of the parties cannot be shut.

3. Hence, this Civil Revision Petition is allowed and the Docket Order dated 27.09.2014 is hereby quashed. The Trial Court is directed to number the application and decide the case on merits. In case the Trial Court had already passed the Final Decree, it is for the revision petitioners to challenge the same in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

06.12.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
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To:

Sessions Mahila Judge,
Chengalpattu.

Note: Registry is directed to return the original
impugned order to the petitioners forthwith.



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N.SATHISH KUMAR,J.,
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