



C.R.P(MD).Nos.556 and 557 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

C.R.P(MD).Nos.556 and 557 of 2024 in
C.M.P(MD).Nos.2744 and 2745 of 2024

R.Lakshmi Ammal

... Petitioners in both CRPs

Vs.

R.Gopal

... Respondents in both CRPs

PRAYER:- Petitions filed under Article 227 of the Constitution of India against the fair and executable order, dated 08.11.2023 made in I.A.Nos. 560 and 561 of 2023 in O.S.Nos.912 and 913 of 2014 on the file of the I Additional Subordinate Judge, Madurai..

For Petitioner : Mr. Saravana kumar
in both CRPs

For respondent : Mr. M. Saravanan
in both CRPs

COMMON ORDER

These Civil Revision Petitions are filed against the fair and



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executable order, dated 08.11.2023 made in I.A.Nos.560 and 561 of 2023 in O.S.No.912 of 2014 on the file of the I Additional Subordinate Judge, Madurai..

2. The suit in O.S.Nos.912 and 913 of 2014 was filed by the mother viz., R.Lakshmiammal against her sons viz., R.Gopal and R.Ravichandran seeking the relief of cancellation of settlement deed that was executed by her in favour of sons. They appeared through an Advocate. After framing issues, in spite of giving several opportunities, the respondents herein have not filed counter and hence, they were set ex parte on 19.03.2021 and thereafter, they have filed restoration applications on 08.04.2021 and the same were allowed. Thereafter, the respondents have not come forward to cross examine PW.1 and that ex parte decree was passed on 04.08.2022. To set aside the ex parte decree, the respondents / defendants have filed application with a delay of 318 days. Considering the fact that issue is between the mother and sons and in order to give an opportunity to the respondents herein the applications were allowed by the trial Court on payment of cost of Rs.1,000/- each. Against which, these revisions are filed stating that without assigning any proper reason the said applications were allowed and hence, these



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revisions.

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3. Per contra, the learned counsel appearing for the respondents submitted that since the issue is between the mother and sons opportunity was given by the trial Court and hence, these petitions have to be dismissed by this Court.

4. No doubt, the suit is between the mother and sons, now, the plaintiff wants to set aside the settlement deed executed by her in favour of sons. Even though there is a delay on the part of the defendants / respondents herein, the hardships caused may be compensated by way of enjoining the cost of Rs.10,000/- (Rupees Ten Thousand only) in each petition. The respondents herein also accepted to pay the same. However, the learned counsel appearing for the petitioner vehemently opposed the above said offer on factual circumstances.

5. Since the issue is between the mother and son, there shall be a direction to the respondents herein to pay a cost of Rs.10,000/- (Rupees Ten Thousand only) each to the petitioner. Further, the trial Court is directed to dispose of the above said suits as expeditiously as



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possible, by following this Court's circular in R.O.C.No.1599-A.
2009/B5 dated 15.05.2009.

6. With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

29.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

I Additional Subordinate Judge, Madurai..



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G.ILANGO VAN,J.

Trp

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