



C.R.P.(MD)No.1593 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1593 of 2024

and

C.M.P.(MD)No.9398 of 2024

J.Santhakumari

... Petitioner/Petitioner/29th Defendant

Vs.

Rajini (Died)

Suseela (Died)

1.Santhi

2.Rani Malika

3.Vijayalakshmi

4.Sree Kumar

5.L.Suresh Kumar

6.Sumathi

... Respondents/Plaintiffs 3 to 8

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned fair and decreetal order in I.A.No.7 of 2024 dated 02-02-2024 in O.S.No.175 of 2013 on the file of the District Munsiff, Eraniel, Kanyakumari District.

For Petitioner : Mr.S.Titus

For Respondents : No appearance

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C.R.P.(MD)No.1593 of 2024

ORDER

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Heard the learned counsel for the revision petitioner. The contesting respondents have been served and their names are printed in the cause list but they have not chosen to enter appearance.

2.O.S.No.175 of 2013 on the file of the District Munsif Court, Eraniel is a suit for partition. The petitioner's husband was shown as the 14th defendant. He passed away. The petitioner was impleaded as the 29th defendant on 01.12.2023. The petitioner wanted to file additional written statement. She could not do so. The petitioner was set exparte on 12.01.2024. The petitioner filed I.A.No.7 of 2024 for setting aside the order setting her exparte. It was dismissed on 02.02.2024. Challenging the same, this civil revision petition came to be filed.

3.The petitioner did not file any additional written statement. She could have been precluded from doing so. But on that ground, she could not have been set exparte. The Court below ought to have seen that the plaintiff did not file any counter opposing the I.A. prayer. The petitioner came on record only in December, 2023. She was set exparte 12.01.2024. Within thirty days, the set aside petition was filed. Interest of justice requires that the the impugned order



C.R.P.(MD)No.1593 of 2024

set aside. It is accordingly set aside and the civil revision petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

23.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ias

To:

The District Munsif Court,
Eraniel,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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