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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 292 of 2024

1. CHITRA

W/o. Rajendiran K.Iyyampalayam,
Jedarpalayam Via, Iyyampalayam Post,
Paramathy Vellur Taluk, Namakkal District.

Petitioner(s)

Vs

1. Kunnathur Iyyampalayam
Sri Kamatchiamman Temple, Kunnathur
Iyyampalayam, Sri Kamatchiamman
Temple Sengunthar Kaikolar Muthaliyar
Trustee Rep by its trustee
Sanmugasundaram S/o. Karukkannan No.
219, Sivanantha Street, Vegmedu, Karur.

Respondent(s)

For Petitioner(s): N.Umapathi

For Respondent(s): R.Vivek
for Mr.R.Senthil

ORDER

Heard Mr.N.Umapathi, learned counsel for the petitioner and Mr.R.Vivek,
learned counsel for the respondent.

2. The revision petition is directed against the dismissal of the application
filed under Section 5 of Limitation Act to condone the delay in taking out the
application to set aside the exparte decree.



3. Mr.N.Umapathi, learned counsel for the revision petitioner would bring to my notice that the respondent Temple has filed a suit, as plaintiff, for declaration and recovery of possession, as well as damages for use and occupation. The petitioner, despite admitting service of summons, did not choose to engage a counsel and as seen from the impugned order passed by the trial court, the petitioner was in fact regularly appearing in person before the trial court, however, due to non-filing of the written statement, the petitioner was set exparte and an exparte decree was passed on 07.08.2021.

4. Learned counsel for the petitioner would submit that at the time of admission, finding that an opportunity should be given to the revision petitioner, a conditional order was passed directing the petitioner to deposit a sum of Rs.21,000/- (Rupees Twenty One Thousand Only). The said order has also been complied with, according to the learned counsel for the petitioner.

5. It is also brought to my notice that similarly placed persons have also been proceeded with and as many as 18 suits have been filed by the respondent/plaintiff and 14 of the said suits are now pending trial. Learned counsel would therefore pray for fair opportunity being given to the petitioner. He would also bring to my notice that written statement has also been filed and the petitioner would co-operate for expeditious



disposal of the suit.

6. Learned counsel for the respondent would however submit that when the petitioner admits receipt of summons in the suit and has taken a risk in not engaging a counsel to defend the petitioner in the suit and today it is not open to the petitioner to contend that he should be given an audience. He would also bring to my notice that despite contending that the petitioner was confined to bed, no documents were filed on the side of the petitioner, to substantiate the same and therefore he prays for dismissal of the revision, since a well considered order has been passed by the trial court and the same does not call for any interference.

7. No doubt, the petitioner, despite service of summons did not come forward to contest the suit by filing a written statement. However, it is seen that even from the impugned order that the petitioner was regularly appearing before the trial court and therefore, no deliberate motives can be attributed to the petitioner. Further, as similar suits are pending and the suit is also for substantial reliefs of recovery of possession and declaration, leave alone damages for use and occupation, the petitioner who is sought to be dispossessed, can be given an opportunity to contest the suit. At the same time, the interest of the respondent/plaintiff should be adequately protected.

8. In the light of the above and considering that the petitioner has already deposited a



sum of Rs.21,000/- (Twenty One Thousand Only) in compliance of the

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conditional order passed by this Court on 09.02.2024, I am inclined to allow the revision subject to the petitioner depositing further sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of O.S.No.134 of 2020 on the file of District Munsif Court, Paramathi. On such deposit, within a period of two weeks from the date of receipt of a copy of this order, the trial court shall frame issues, if not already framed, expedite the trial and dispose of the suit on merits and in accordance with law on or before 30.04.2026.

9. With the above direction, the civil revision petition is allowed. No costs.

17.12.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
Internet:Yes

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To

District Munsif Court, Paramathi



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