



C.R.P.No.845 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.06.2025

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CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.845 of 2020

1. Lilly
2. Angeline Nince Jeya

.... Petitioners

VS

1.Sylviya Radiya
2.Thamimul
3.Mary Philomina Queen (died)
(Respondents 1 and 2 are impleaded
as LR's of the third respondent as per
the Memo dated 07.08.2024 and vide
Court order dated 14.02.2025 made
in CMP No.4507 of 2020 in CRP No.
845 of 2020)

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
to set aside the fair and final order in I.A.No.99/2015 in O.S.No.20/2000 on the
file of District Court, Karaikal.

For Petitioners

: Mr.H.Kavitha

For Respondents

:Mr.K.S.Kumar

For Mrs.K.M.Valsalakumari

For R.1

No appearance for R.2

R.3 – Died (Memo filed)

ORDER



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2. Though the learned counsel for the petitioner made arguments on the merits of the impugned order, Mr.K.S.Kumar, learned counsel appearing for the respondents would bring to my notice that since there is no stay of the impugned order in the civil revision petition, the trial Court has proceeded with the trial and evidence on the side of the plaintiff has already been concluded and the suit is posted for defendants' evidence on 05.06.2025.

3. Considering the fact that no serious prejudice would be caused to the revision petitioner by setting aside the exparte preliminary decree passed in the suit for partition, especially since the petitioner will have full and fair opportunity to contest the suit for partition on merits, I see no prejudice being caused to any of the parties by confirming the order of the trial court, setting aside the exparte preliminary decree, especially considering the subsequent events that has been transpired viz., the proceedings in the suit by way trial and completion of evidence on the side of the plaintiff.



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4. In view of the above, it would suffice to confirm the order of the trial court and give a direction to the District Court to dispose of the suit.

5. In the result, the order passed by the District Court, Karaikal in I.A.No.99 of 2015 in OS No.20 of 2000 is confirmed and the civil revision is dismissed. However, since the suit is of the year 2000, the District Court, Karaikal is directed to dispose of the suit within a period of four months from the date of receipt of a copy of this order.

03.06.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
sr

To

The District Court, Karaikal.

P.B.BALAJI.,J.



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