



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1247 of 2025

& CMP.No.7496 of 2025

Singari (Died)
G.Muniraj

... Petitioner

Vs.

M.Pushpa

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decree made in I.A.No.04 of 2023 in O.S.No.76 of 2010 on the file of the District Munsif, Katpadi, Vellore District dated 22.11.2024.

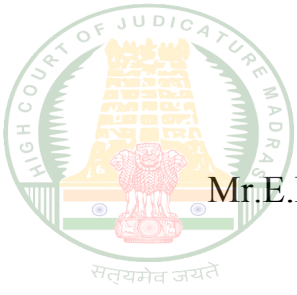
For Petitioner : Mr.K.A.Ravindran

For Respondent : Mr.E.Kannadasan

ORDER

The Civil Revision Petition has been filed to set aside the order and decree made in I.A.No.04 of 2023 in O.S.No.76 of 2010 on the file of the District Munsif, Katpadi, Vellore District dated 22.11.2024.

2.Heard Mr.K.A.Ravindran, learned counsel for the petitioner and



Mr.E.Kannadasan, learned counsel for the respondent.

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3.The learned counsel for the petitioner would submit that the defendant who was originally cross-examined and thereafter his evidence came to be closed, passed away subsequently and after hearing the arguments of the counsel for the parties, judgment was also reserved. At this juncture, an application under Order IX Rule 7 to set aside the ex-parte order came to be filed claiming that the 2nd defendant was not properly served. However, he would invite my attention to the impugned order where it is recorded that the 2nd defendant was served through his wife.

4.The learned counsel for the petitioner would however state that the 2nd defendant does not intend to lead any further oral and documentary evidence and only seeks for an indulgence to advance arguments in the suit since no argument is advanced on the side of the 2nd defendant. The learned counsel for the respondent fairly states that as long as, the 2nd defendant does not further protract the proceedings by seeking to examine himself or other witnesses, one indulgence may be shown to the revision petitioner.



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5. In the light of the fair concession shown by the learned counsel for the respondent, the Civil Revision Petition is allowed and the order dated 22.11.2024 in I.A.No.4 of 2023 in O.S.No.76 of 2010 on the file of the District Munsif, Katpadi, Vellore District is set aside. A direction is given to the District Munsif, Katpadi, Vellore District, to permit the 2nd defendant to advance arguments based on the available oral and documentary evidence alone. The Trial Court shall dispose of the suit, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

07.07.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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Note: Issue order copy on 08.07.2025.

To
The District Munsif, Katpadi, Vellore District.



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P.B. BALAJI,J.

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