



CRP No.1677 of 20\_\_

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

CRP.No.1677 of 2025 and CMP No.9669 of 2025

1.K.Ravi  
2.K.Sundar  
3.S.Kala  
4.Maheswari  
5.K.Baskar

... Petitioners

Vs.

1.Palanivel  
2.Selvarani

... Respondents

**Prayer:** Civil Revision Petition filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order dated 28.01.2025 made in I.A.No.2 of 2024 in O.S.No.463 of 2002 passed by the learned District Munsif cum Judicial Magistrate, Sholinganallur.

For Petitioners : Mr.P.Krishnan

For Respondents : Mr.K.V.Sundararajan  
For RR.1,2,5 and 6  
Mr.P.Satheesh Kumar  
For R.3 and R.4



## ORDER

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Heard Mr.P.Krishnan, learned counsel for the revision petitioners, Mr.K.V.Sundararajan, learned counsel for the respondents 1,2,5 and 6 and Mr.P.Satheesh Kumar, learned counsel for the respondents 3 and 4.

2. Learned counsel for the petitioners submits that as against the exparte preliminary decree and final decree, the petitioners have filed four applications – to condone the delay as well as to set aside the preliminary decree and final decree respectively. The condone delay applications filed seeking to set aside the preliminary decree as well as the final decree, have been dismissed, as against which, the present revision has been filed.

3. Learned counsel for the petitioners would bring to my notice that there is also another revision filed challenging the dismissal of the condone delay petition as against the final decree proceedings and the same is yet to be numbered.

4. Mr.K.V.Sundararajan, learned counsel appearing for the respondents 1,2,5 and 6 and Mr.P.Satheesh Kumar, learned counsel for the



respondents 3 and 4 would fairly bring to my notice that the application in I.A.No.2 of 2024 in O.S.No.463 of 2002 was dismissed only for non-prosecution and therefore, the parties may be relegated to the trial Court and the application can be decided on merits within a time bound manner.

5. I find fairness in the submissions of the learned counsel for the respondents. However, as rightly pointed out by Mr.K.V.Sundararajan, the preamble to the order in I.A.No.2 of 2024 proceeds on the basis that I.A. No.2 of 2024 has been filed under Order IX Rule 7 of Civil Procedure Code to set aside the final decree.

6. Unless the applications for condonation of delay are taken up first, the applications to set aside the preliminary decree and final decree cannot be decided.

7. In the light of the above, the civil revision petition is disposed of in the following manner:-

- (i) the order passed by the trial court in I.A.No.2 of 2024 dismissing the applications for condonation of delay in seeking to



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**P.B.BALAJI.,J**

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set aside the preliminary decree and final decree are set aside and the said applications shall be decided on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order

(ii) subject to the orders being passed in the condone delay application, the parties are at liberty to work out their respective rights.

No costs. Consequently, connected miscellaneous petition is closed.

16.12.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The District Munsif cum Judicial Magistrate, Sholinganallur

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