



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2504 of 2022

and

CMP.No.12899 of 2022

Rose Mary Lourdraj

... Petitioner

Vs.

1. Ms.Mary Christiana Bamini Francis

2. Valentia Priyankini

3. Florantina Priyankini

4. Rosario Rajkumar

5. D.Rajesh

6. Devaraj Stephen

7. John Yesuraj

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal Order passed in I.A.No.1 of 2021 in I.A.No.166 of 2018 in O.S.No.20 of 2014 dated 24.02.2022 on the file of the learned Principal District Judge, Vellore.



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For Petitioner : Mr.P.Satheesh Kumar

For Respondents : Mr.R.S.Anandan for R1 & R3
: No Appearance for R2
: R4 to R7 Exparte

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the 1st and 3rd respondents.

2. It is seen that the application to set aside the exparte order in the final decree proceedings in I.A.No.166 of 2018 was dismissed, against which the present revision has been filed by the 1st respondent in the final decree application.

3. The learned counsel for the petitioner states that the petitioner does not intend to set aside the preliminary decree that has been passed and only seeks permission to participate in the final decree proceedings.

4. Mr.R.S.Anandhan, learned counsel appearing for the 1st and 3rd respondents, fairly states that an opportunity can be provided, the Trial Court is directed to expedite disposal of the final decree proceedings.



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5. Considering the fact that even pursuant to the revision petition being set exparte, no further orders have been passed, affecting the rights of the parties on the merits of the claim in the suit, pursuant to the preliminary decree that has already been passed, I am of the opinion that an opportunity should be given to the petitioner to participate in the final decree proceedings and put forth his objections and other contentions that may be available.

6. In light of the above, the order in I.A.No. 1 of 2021 is set aside, and the petitioner shall be allowed to participate in the enquiry in I.A.No. 166 of 2018.

7. Considering that the final decree application has been pending in the suit for partition for 7 years, the Trial Court is directed to dispose of the said final decree application on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.



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8. This Civil Revision Petition is disposed of. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

25.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

The Principal District Judge,

Vellore.



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P.B. BALAJI,J.

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