



WEB COPY

CMA No. 691 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 691 of 2025**

**AND**

**CRP NO. 2284 OF 2022,CMP NO. 11709 OF 2022**

1. B.Mayavan

S/o. Bodi Chetty, Kalamman Koil  
Street (West), Goodamalai Village and  
Post, Gangavalli Tauk, Salem District.

Appellant(s)

Vs

1. D. Ramesh

(claimed to be a minor on the date of  
filing the suit) Ramya (Died)(Deceased  
and claimed to be a minor on the date  
of filing of the suit known to have died)  
represented by next friend natural  
guardian mother by Sarojini, residing at  
Gurunathan Kovil, Korattur Village,  
Anami Kondalampatti Post, Salem  
Taluk and District. Durai(died) S/o.  
Rajamanickkam 2/168, Goodamalai  
Village and Post, Gangavalli Taluk,  
Salem District.

2.R.Singaram

S/o. Rajamanickkam, Kalamman Koil



Street (West), Goodamalai Village and  
Post, Gangavalli Taluk, Salem District.

**WEB 3.R.Sethu**

S/o. Rajamanickkam, Kaliasman Koil  
Street (West), Goodamalai Village and  
Post, Gangavalli Taluk, Salem District.

Respondent(s)

**CRP No. 2284 of 2022**

1. B.Mayavan

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Rajamanickkam2/168, Goodamalai  
Village and Post, Gangavalli Taluk,  
Salem District.

2.R.Singaram

S/o. Rajamanickkam, Kaliasman Koil  
Street (West), Goodamalai Village and



Post, Gangavalli Taluk, Salem District.

3.R.Sethu

WEB S/O. Rajamanickam, Kaliyamman Koil  
Street (West), Goodamalai Village and  
Post, Gangavalli Taluk, Salem District.

Respondent(s)

**CMA No. 691 of 2025**

**PRAYER**

To set aside the judgment and decree dt. 08.04.2022 passed by the III Additional District Judge, Salem in IA No.422/2021 in OS No.116/2005

**CRP No. 2284 of 2022**

**PRAYER**

To set aside the Judgment and decree dated 08.04.2022 passed by the III Additional District Judge, Salem in IA.No.421 of 2021 in OS.NO. 116 of 2005.

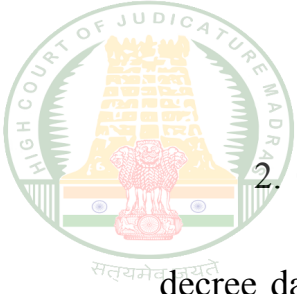
**CMA No. 691 of 2025**

For Appellant(s): Mr.J.Sudhakaran

For Respondent(s): Mr.R.Rajarajan For R1 R2 And  
R3 -no Appearance

**JUDGEMENT**

CMA No. 691 of 2025 has been filed to set aside the judgment and decree dt. 08.04.2022 passed by the III Additional District Judge, Salem in IA No.422/2021 in OS No.116/2005.



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2. CRP No. 2284 of 2022 has been filed to set aside the Judgment and decree dated 08.04.2022 passed by the III Additional District Judge, Salem in IA.No.421 of 2021 in OS.NO. 116 of 2005.

3. Heard both sides.

4. Considering the facts of the case, the suit is filed for partition and also summons has not issued to the petitioner without which the exparte decree has been passed. Hence, this Court is inclined to set aside the order passed in IA No.421 & 422 of 2021 in OS No.116/2005. Thus, IA No.421 & 422 of 2021 in OS No.116/2005 is allowed. Accordingly, both the Civil Miscellaneous Appeal and Civil Revision Petition are allowed. Further, the petitioner is directed to pay the cost of Rs.5,000/- each to the respondents and the Trial Court is directed to take the case of file within a period of two weeks from the date of receipt of a copy of order and dispose the same within a period of three months without giving unnecessary adjournment. Pending petition(s), if any, is/are closed.

**10-07-2025**

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To

1.D. Ramesh

(claimed to be a minor on the date of filing the suit) Ramya (Died)(Deceased and claimed to be a minor on the date of filing of the suit known to have died) represented by next friend natural guardian mother by Sarojini, residing at Gurunathan Kovil, Korattur Village, Anami Kondalampatti Post, Salem Taluk and District. Durai(died) S/o. Rajamanickkam 2/168, Goodamalai Village and Post, Gangavalli Taluk, Salem District.

2.R.Singaram

S/o. Rajamanickkam, Kaliamman Koil Street (West), Goodamalai Village and Post, Gangavalli Taluk, Salem District.

3.R.Sethu

S/o. Rajamanickkam, Kaliamman Koil Street (West), Goodamalai Village and Post, Gangavalli Taluk, Salem District.

4. The Section Officer, V.R Section, High Court, Madras.

5. The III Additional District Judge, Salem.



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**T.V.THAMILSELVI J.**  
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