



C.R.P. Nos.2775 and 2778 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. Nos.2775 and 2778 of 2025

and

CMP Nos.15703 and 15720 of 2025

1. Mohana Krishna Jayaraman
2. Sujatha
3. Magesh Vinayak
4. Sankar Ganesh

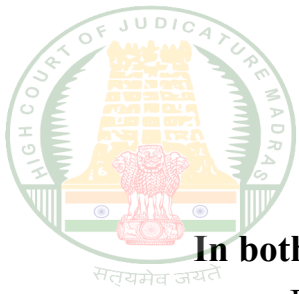
... Petitioners in both CRPs.

Vs.

Vanitha Kumar

... Respondent in both CRPs.

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the order and decretal order dated 25.04.2025 passed in I.A.Nos.6 and 5 of 2024 in O.S.No.6395 of 2023 by the XXI Assistant City Civil Court at Chennai.



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In both CRPs.

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For Petitioners

: Mr.V.V.Giridhar

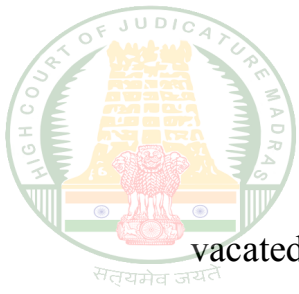
For Respondent

: Mr.J.Ramesh

ORDER

These Civil Revision Petitions have been filed by the petitioners/plaintiffs to set aside the order and decretal order dated 25.04.2025 passed in I.A.Nos.6 and 5 of 2024 in O.S.No.6395 of 2023 by the XXI Assistant City Civil Court at Chennai.

2. The case of the petitioners is that the petitioners had filed a suit in O.S.No.6395 of 2023 before the XXI Assistant City Civil Court at Chennai, to quit and deliver the vacant possession of the suit schedule property and summon was duly served on the respondent/defendant. Though the respondent appeared through a counsel, he had failed to file the written statement and remained ex-parte. Therefore, an ex-parte decree came to be passed on 02.08.2024. Subsequent to the ex-parte decree, the respondent/defendant



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vacated the suit premises and handed over vacant possession by letter dated 18.09.2024 and also sent a message regarding handing over the possession through mobile phone. The said letter was executed in the presence of a Notary Public, who had duly signed the said vacating letter. Thereafter, the petitioners let out the suit premises to third party and now the third party is in possession of the suit premises. While so, the respondent filed a petition in I.A.No.6 of 2024 to set aside the ex-parte decree, along with a petition in I.A.No.5 of 2024 to condone the delay in filing the petition to set aside the ex-parte decree in which, the petitioners had clearly stated about those facts in their counter. Though the trial Court admitted the subsequent events, allowed both the applications on payment of costs by passing a common order. Hence, challenging the said common order, the plaintiffs have filed the present revisions petitions.

3. The contention of the petitioners/plaintiffs is that, when once the respondent/defendant vacated the suit premises and the petitioners/plaintiffs



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have taken possession and also let out the suit property to third party, and there

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is no need to once again undergo the ordeal of trial, especially when the petitioners have proved that the subsequent event that the respondent/defendant vacated the premises after passing of the ex-parte decree and a third party is in possession of the suit property. Therefore, the impugned order passed in I.A.Nos.5 and 6 of 2024 is liable to be set aside and the present revision petitions may be allowed by confirming the judgment and decree passed in suit in O.S.No.6395 of 2023, since the petitioners are in possession of the suit premises through a third party.

4. The learned counsel for the respondent/defendant submitted that the the respondent has not vacated the suit premises and that the petitioners/plaintiffs have misused the signature of the respondent in the said vacating letter. Since it is an ex-parte decree, the respondent filed an application to set aside the ex-parte decree and since there was a delay of 17 days, he also filed a petition to condone the delay in filing the petition to set



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aside the ex-parte decree. The trial Court, after enquiry, allowed both the petitions and therefore, there are no merits in the revision petitions.

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5. Heard both sides and perused the materials available on record.

6. Admittedly, the petitioners are the plaintiffs and the respondent is the defendant in O.S.No.6395 of 2023 on the file of the XXI Assistant City Civil Court at Chennai. Since the respondent did not contest the suit, an ex-parte decree came to be passed by the trial Court on 02.08.2024. According to the petitioners, subsequent to the decree, the respondent/defendant vacated the suit premises and in order to substantiate the same, they have produced a copy of the vacating letter dated 18.08.2024 submitted by the respondent to the petitioners. No-where, the respondent has denied the signature found in the said letter in the written statement.

7. It is seen that the respondent vacated the suit premises after passing of the ex-parte decree in the suit and thereafter, suppressing the same, he has filed petitions before the trial Court to set aside the ex-exparte decree along with a



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petition to condone the delay in setting aside the ex-parte decree. Though the

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trial Court noted down the said facts, without understanding the scope and object of the case, the trial Court has allowed the said petitions. When once the respondent vacated the suit premisses and handed over possession to the plaintiff, as per the decree, mere filing of the petitions to set aside the ex-parte decree and to condone the delay in filing the petition to set aside the ex parte decree, will not serve the purpose. Under these circumstances, this Court finds that the impugned order passed by the trial Court is perverse.

8. Therefore, both the Civil Revision Petitions are allowed. The impugned order passed by the trial Court, is set aside.

9. Consequently, the connected Miscellaneous Petitions are closed.

There shall be no order as to costs.

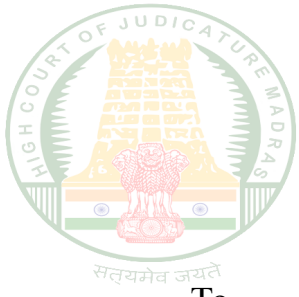
26.08.2025

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The XXI Assistant Judge, City Civil Court,
Chennai.

2. The Record Keeper, V.R.Section, High Court, Madras



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P.VELMURUGAN,J.

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