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CRP.No998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.No.998 of 2024
and CMP.No.2242 of 2024

R.Seenappa

... Petitioner/ Respondent /
Defendant

Vs.

V.Jayalakshamma

... Respondent / Petitioner /
Plaintiff

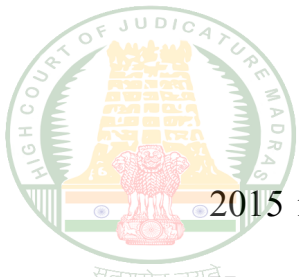
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order passed in I.A.No.2 of 2020 in I.A.No.588 of 2015 in O.S.No.136 of 2007, dated 27.01.2021 on the file of the learned Additional Subordinate Judge, Hosur.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mr.J.Jyothi

ORDER

The defendant has filed the above civil revision petition challenging the order dated 27.01.2021 passed in I.A.No.2 of 2020 in I.A.No.588 of



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2015 in O.S.No.136 of 2007, by the learned Additional Subordinate Judge,

Hosur.

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2. The short facts are as follows :

- a. The suit in question has been filed by the respondent-plaintiff for partition and separate possession. A preliminary decree was passed and thereafter, the plaintiff had filed I.A.No.588 of 2015 for passing the final decree.
- b. The defendant/revision petitioner was directed to appear before the court on 21.11.2019. However, the petitioner did not appear on that date, and he would submit that he being an agriculturist and a senior citizen, he had forgotten the hearing, as a result of which, an exparte order was passed against him on 21.11.2019. Immediately, the petitioner had traced the notice and contacted the counsel for filing necessary application to set aside the exparte final decree.
- c. This application was numbered as I.A.No.1/2020 and the learned Subordinate Judge has allowed the application on payment of cost of Rs.4,000/-. The petitioner was directed to



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pay the cost on or before 30.11.2020, and the matter was posted on 01.12.2020.

- d. Since the petitioner was unable to arrange the said funds, he had sought for time by filing an application in I.A.No.2 of 2020, and the court below has extended the time for paying the cost till 26.01.2021. Since the cost was not paid on the said date, the application was dismissed on 27.01.2021.

Challenging the said dismissal, the petitioner is before this Court in the present revision petition.

3. Heard Mr.T.M.Hariharan, the learned counsel appearing on behalf of Mr.G.M.Ananthakumar for the revision petitioner and Mr.J.Jyothi, learned counsel for the respondent.

4. The only argument that has been advanced by the learned counsel appearing for the petitioner is that the petition before the Court is one for passing the final decree, and he has to be heard with reference to the allotment of shares. If he is not granted an opportunity, it would cause great prejudice to him. The learned counsel would submit that the petitioner is



ready to pay the said sum immediately.

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5.Considering the fact that the suit is one for partition and in order to give a final opportunity to the petitioner, the revision petition is disposed of with a direction that the revision petitioner is directed to pay a sum of Rs.15,000/- to the respondent/plaintiff on or before 23.04.2025, and the order passed in I.A.No.2 of 2020 in I.A.No.588 of 2015 is set aside and restored to its file. It is made clear that if the amount is not paid on 23.04.2025, then the order passed in I.A.No.2 of 2020 will automatically revive. No costs. Consequently, connected miscellaneous petition is closed.

6.Post the matter on 03.06.2025 under the caption for reporting compliance.

15.04.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

1.The Additional Subordinate Judge
Hosur.

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2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

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