



WEB COPY



CRP.No.3600 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP.No.3600 of 2024
and
C.M.P.No.19521 of 2024

1.K.Ganapathiappan @ Ganapathi Gounder
2.Logeswari

...Petitioners

Vs.

1.K.Palaniammal
2.V.Udhayakumar
3.K.Natarajan
4.N.Dhanam

...Respondents

Prayer: This Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the fair and decreetal orders dated 10.08.2023 in IA.No.5 of 2023 in OS.No.150 of 2016 on the file of the I Additional District Judge, Coimbatore and allow the Civil Revision Petition.

For Petitioners : Mr.C.R.Prasanan



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For Respondents : Mr.Deepanuday for R1& R2
R3 & R4 -No such address

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 10.08.2023 in IA.No.5 of 2023 in OS.No.150 of 2016 on the file of the I Additional District Judge, Coimbatore and allow the Civil Revision Petition.

2. The Revision petitioners are aggrieved by the dismissal of IA.No.05 of 2023 by the order dated 10.08.2023. The petitioners were set exparte. An application was filed to set aside the exparte order. The application came to be allowed on payment of cost of Rs.1000/- on or before a particular date. Admittedly the amount was not paid as directed by the Court. However, according to the petitioners, they made an attempt to pay the cost on the date of hearing and the same was refused to be received by the learned counsel for the respondents.



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3. Finding that there has been no proper compliance of the order passed, the trial Court had proceeded to dismiss the application. The reasons assigned by the petitioners are acceptable. Considering that the Court already having exercised discretion to allow the application on payment of cost of Rs.1000/-, should have condoned the bonafide delay on the part of the petitioners and allowed the application. At the same time, considering that the delay has caused pre-judice to the respondents, I am inclined to allow the Revision on payment of cost of Rs.5,000/- to the respondents, before the trial Court, within a period of two weeks from the date of receipt of copy of this order. Subject to compliance of the above condition, the trial Court namely, I Additional District Judge, Coimbatore, shall expedite trial and dispose of the suit within a period of four months, on merits and in accordance with law.



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P.B.BALAJI, J.

dna

4. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.10.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
dna

To

The I Additional District Judge, Coimbatore.

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