



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.876 of 2024

and CMP. No.4395 of 2024

Rajagopalan

... Petitioner

Vs.

1.Mrs.Shanthi

2.Mr.Venkatarajesh

3.Miss,Neeba

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.10.2023 in I.A. No.1 of 2022 in O.S. No.99 of 2012 on the file of Subordinate Court, Tiruvallur as erroneous, perverse and want of jurisdiction, illegal.

For Petitioner : Mr.S.Kalyanaraman
for Mr.Meenakshisundaram

For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 06.10.2023 in I.A. No.1 of 2022 in O.S. No.99 of 2012 on the file of Subordinate Court, Tiruvallur.



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2. Heard Mr.S.Kalyanaraman, learned counsel for Mr.R.Meenakshisundaram, learned counsel for the petitioner. Despite service of notice on the respondents including service on the learned counsel who appears before the Trial Court, there is no appearance for any of the respondents.

3. I have proceeded to hear the learned counsel for the revision petitioner/5th defendant in O.S. No.99 of 2012. I.A. No.1 of 2022 was taken out by the plaintiffs/respondents 1 to 3 for setting aside the order dismissing the suit for default for non filing of the amended plaint copy, despite sufficient opportunities. The said Application was contested by the revision petitioner herein. However, the Trial Court has allowed the Application on the ground of principles of natural justice, one more opportunity should be given to the respondents.

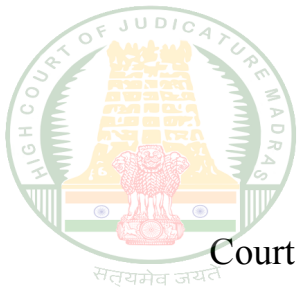
4. The learned counsel for the revision petitioner would take me through the adjudications in the e-court website to fortify his contentions that despite 34 adjournments granted, the plaintiffs have not taken any steps. He would also state that even after the Application was allowed in



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13.10.2023, the plaintiffs have not filed the amended plaint copy, despite time being granted for filing amended plaint copy. He would therefore state that it falsifies the case of the respondents that amended plaint copy was already filed. The Trial Court also found that the petitioner is not entitled to any indulgence since he has not been able to prove his averments through oral and documentary evidence. However, the Trial Court has merely proceeded to give one more opportunity to the respondents, considering the principles of natural justice. When a right has accrued to the defendants, the same cannot be taken away by such cryptic orders, without assigning any reasons whatsoever.

5. It is the categorical case of the revision petitioner that the plaintiffs have not filed amended the plaint copy, despite several opportunities granted which is evident from the e-court website adjudication which has been filed along with the Civil Revision Petition by way of typedset of papers. Therefore, when the case of the respondents was that amended copy was already filed, not once but twice, and therefore, the suit has been restored to file on account of the same being dismissed for not filing amended plaint copy, it is noticed that even pursuant to the Trial



P.B.BALAJI.J.,

Court giving an opportunity to the plaintiffs, they have only sought for further time for filing amended plaint copy. Thus it is clear that the respondents have taken a false stand before the Trial Court. The Trial Court should have not entertained the request made by the plaintiffs that too, when they have set up a false case. Even before this Court, the respondents have not chosen to appear, despite notices sent to them and the learned counsel on record before the Trial Court also being served. It only shows that the plaintiffs are not serious in prosecuting further.

6. In view of the above, I am inclined to set aside the order of the Trial Court in I.A. No.1 of 2022 in O.S. No.99 of 2022 and accordingly, this Civil Revision Petition is allowed. Consequently, connected Miscellaneous Petition is also closed. No costs.

01.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

The Sub Judge,
Tiruvallur.

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