



WEB COPY

CRP.No.997 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 997 of 2023

1. Pachaiyammal
W/o. Srinivasan, Pakkampadi Village,
Chinna Salem Taluk, Kallukurichi
District.

Petitioner(s)

Vs

1. Alamelu
W/o. Srinivasan, Pakkampadi Village,
Chinna Salem Taluk, Kallukurichi
District.

Respondent(s)

PRAYER

To allow this revision petition, set aside the order and decretal order of the Court below in IA No.772 of 2020 in OS No.301 of 2016 dated 22.07.2022 passed by the learned Principal Sub Judge at Kallakurichi.

For Petitioner(s): Mr.V.Logesh

For Respondent(s): No Representation



ORDER

Heard the learned counsel for the petitioner. No representation on the side of the respondent, despite the revision petition being listed for orders today.

2. The learned counsel for the petitioner states that the trial Court has dismissed I.A.No.772 of 2020 in OS.No.301 of 2016 which is an application for condonation of delay of 80 days in filing the restoration petition. The learned counsel further states that the petitioner had satisfactorily explained the delay of 80 days by citing her ill health and inability to contact her counsel.

3. However, the trial Court has refused to believe the version projected by the Revision Petitioner and dismissed the application finding that the defendant has been absenting herself on purpose and has been in the habit of filing set aside petition, restoration petition along with huge delay.

4. The delay in the present case is only 80 days and the petitioner has given satisfactory explanation for non appearance which has resulted in dismissal of the restoration petition.



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5. Admittedly, the suit is one for partition. The plaintiff and the defendant are sisters. Therefore, considering the scope and nature of suit for partition and relationship between the parties and the relief sought for in the suit, I am inclined to allow the revision petition in order to give an opportunity to the defendant to contest the suit for partition on merits. No serious prejudice should be caused to the respondent/plaintiff if the partition suit is failed on merits and dispose of after elaborate trial. There shall be no order as to costs.

6. In view of the above, the order in I.A.No.772 of 2020 dated 20.07.2022 is set aside. The trial Court shall dispose of the restoration petition within a period of four weeks.

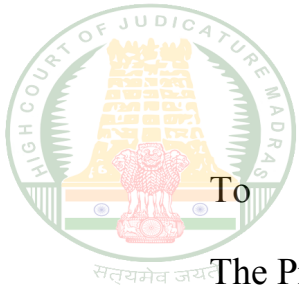
7. In the result, this Civil Revision Petition is allowed. There shall be no order as to costs.

09-09-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

Vv

3/5



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To

The Principal Sub Judge at Kallakurichi

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P.B.BALAJI J.

Vv

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