



WEB COPY



CRP.No.4827 of 2025 and CMP.No.24301 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4827 of 2025

and

CMP.No.24301 of 2025

1. R.Jeganathan

2. A.Sakthivel

... Petitioners / Petitioners / Defendants

Versus

1. B.Sundarraaj

2. S.Sudha

... Respondents / Respondents / Plaintiffs

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set-aside the Docket Order dated 27.09.2024 made in I.A.No.3 of 2024 in O.S.No.471 of 2022 on the file of the learned II Additional District Munsif at Coimbatore.

For Petitioners : Ms.V.Gayathri

ORDER

Unsuccessful defendants have preferred the present Civil Revision Petition.



WEB COPY

2. One B.Sundarraaj and S.Sudha filed a suit in O.S.No.471 of 2022 on the file of the II Additional District Munsif Court, Coimbatore against R.Jeganathan (first defendant) and A.Sakthivel (second defendant), seeking a relief of declaration and permanent injunction. The revision petitioners/defendants were set ex-parte on 02.02.2024 for non-filing of their written statement. Thereafter, the revision petitioners / defendants filed an application in I.A.No.3 of 2024 in O.S.No.471 of 2022 under Order IX Rule 7 of the CPC to set aside the ex-parte order dated 02.02.2024. Upon hearing either side, the Court below *vide* order dated 30.08.2024, allowed the said petition on condition that the revision petitioners / defendants shall pay a sum of Rs.1500/- to the plaintiff on or before 26.09.2024, failing which the petition shall stand dismissed automatically. Thereafter, the revision petitioners / defendants failed to comply with the said conditional order, the Court below, by order dated 27.09.2024, dismissed I.A.No.3 of 2024 in O.S.No.471 of 2022. Aggrieved over the same, the revision petitioners / defendants have preferred the present Civil Revision Petition.

3. The learned counsel for the revision petitioners would submit that



the non- payment of costs of Rs.1500/- was neither willful nor wanton. The learned counsel further submits that the Court below did not properly inform the revision petitioners regarding the payment of costs. Hence, an opportunity may be provided to the revision petitioners to contest the case. The learned counsel also submits that the revision petitioners are ready and willing to pay the costs, and therefore prays that this Court may interfere with the order of the Court below.

4. It is seen from the records the revision petitioners / defendants had filed their written statement along with the application in I.A.No.3 of 2024. The grievance of the revision petitioners is that due to lack of proper intimation from their counsel, they were unable to pay the costs within the time stipulated by the Court below.

5. In order to decide the real controversy between the parties, this Court is of the view that one more opportunity should be granted to the revision petitioners to defend their case.

6. Considering the nature of the case, this Court is inclined to allow the



CRP.No.4827 of 2025 and CMP.No.24301 of 2025

Civil Revision Petition on terms. Therefore, the order dated 27.09.2024 passed in I.A.No.3 of 2024 in O.S.No.471 of 2022 is hereby set aside, subject to the condition that the revision petitioners / defendants shall pay a sum of Rs.5,000/- to the plaintiff on or before 10.10.2025.

7. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

09.10.2025

av

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

Note: Issue order copy on 09.10.2025.

To

The learned II Additional District Munsif, Coimbatore.

M. JOTHIRAMAN, J.

av

4/5



WEB COPY



CRP.No.4827 of 2025 and CMP.No.24301 of 2025

CRP.No.4827 of 2025
and
CMP.No.24301 of 2025

09.10.2025