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C.R.P.(PD).No. 192 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 192 of 2025

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C.M.P.Nos. 1290 & 1293 of 2025

1. S.Sridevi

2. S.Vishal

3. S.Vischit

...Petitioners

Vs.

1.V.R.Ramalingam

2.P.Sathyavathi

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in IA.No.3 of 2024 in OS.No.1728 of 2023 dated 22.10.2024 on the file of the XVII Assistant Judge, City Civil Court, Chennai.



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For Petitioner : Mr. Mutukrishnan A

ORDER

The plaintiffs are the revision petitioners before this Court, challenging the order passed in IA.No.3 of 2024 in OS.NO.1728 of 2023, which was an application filed under Order IX Rule 7 of the CPC to set aside the ex parte order passed on 19.04.2024. The facts are as follows.

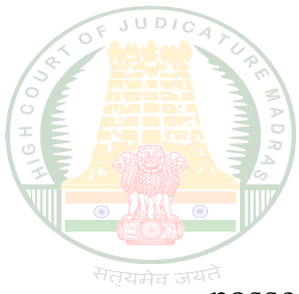
2. The suit is filed by the petitioners herein for recovery of possession and for arrears of rent. It is their case that the property was originally owned by the 1st plaintiff's husband . On his death, it was inherited by his wife the 1st plaintiff and plaintiffs 2 and 3. The 1st plaintiff's husband had entered into a rental agreement with the 1st defendant dated 09.09.2021 and the 1st defendant was occupying the first floor of the premises.



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3. The 1st defendant agreed to pay the rent of Rs.42,000/- per month along with the sum of Rs.1,000/- towards maintenance charges. He had also paid a sum of Rs.2,52,000/- as a security deposit. The petitioners submit that the 1st respondent was in default. Meanwhile, the husband of the 1st plaintiff and father of the plaintiffs 2 and 3 passed away and the family was in financial crisis. Therefore, they had approached the 1st respondent demanding arrears of rent for the defaulted period. The 1st respondent was also requested to vacate and handover vacant possession of the property. The 1st respondent assured that the rental arrears would be paid within a week and requested time to vacate.

4. The 1st respondent paid rents upto January 2022. Thereafter, from February 2022, the 1st respondent started defaulting in the payment of rents. Therefore, proceedings were initiated for evicting him from the premises. As per the calculation of the petitioner a sum of Rs.2,64,000/- was payable to them as on the date of filing of the suit.



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5. The 1st defendant was set ex parte and an ex parte order was passed against him on 19.01.2024. He has taken out an application under Order IX Rule 7 to set aside the order which has been vehemently contested by the petitioners. Ultimately, the learned Trial Judge after hearing the parties had allowed the same on costs.

6. Challenging the same, the petitioners are before this Court.

7. Heard the learned counsel and perused the records.

8. I see no reason to interfere with the order passed by the learned XVII Assistant Judge, Chennai, since the petition which is the subject matter of revision is an application to set aside an ex parte order and not a decree. The 1st defendant was set ex parte on 19.01.2024, without much delay an application was moved. The learned Trial Judge has given cogent reasons for setting aside the ex parte order.

9. The Civil Revision Petition is dismissed. Consequently, the



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connected miscellaneous petitions are closed. No costs.

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Index : Yes/No

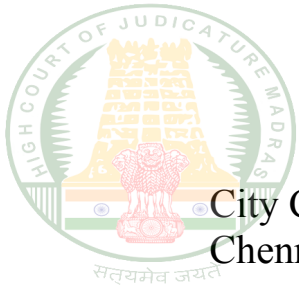
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To

The XVII Assistant Judge,

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City Civil Court,
Chennai.

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P.T. ASHA, J,

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