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CRP No.4925 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No..4925 of 2025

1.Rangasamy

2.Duraisamy

3.Chinnathambi

4.Selvaraj

5.Pappathi

... Petitioners

Vs.

1.Periyasamy

2.Palanisamy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 14.07.2025 passed by the District Munsif, Paramathy in I.A.No.1 of 2023 in O.S.No.113 of 2014.

For Petitioner : Ms.I.Parvinbanu

For Respondent : No appearance

ORDER

Despite service of notice, the respondents have neither chosen to appear in person nor through counsel.



2. The revision petitioners are the plaintiffs in O.S.No.113 of 2014 before the District Munsif Court, Paramathy. The said suit came to be dismissed for non-prosecution and in order to restore the suit to file, the petitioners/plaintiffs filed an application in I.A.No.1 of 2023, seeking to condone the delay of 711 days. The said application was dismissed by the trial Court. Challenging the same, the present revision has been filed.

3. Learned counsel for the petitioners/plaintiffs would submit that the respondents herein had filed an independent suit in O.S.No.210 of 2013 before the same Court i.e., District Munsif Court, Paramathy for declaration and other reliefs and in the said suit, the revision petitioners/plaintiffs have been set exparte. The revision petitioners/plaintiffs attempted to set aside the exparte order, however, unsuccessfully.

4. Learned counsel for the revision petitioners/plaintiffs submits that this Court in CRP No.4279 of 2023 dated 01.07.2025 has allowed the revision, subject to payment of cost of Rs.5,000/-(Rupees Five Thousand Only). According to the learned counsel for the revision petitioners/plaintiffs, subsequent to the order passed by this Court in CRP No.4279 of 2023, the suit, filed by the respondents in O.S.No.210 of 2013, is now re-opened and the exparte order passed against the petitioners has been set aside. He would therefore state that no serious prejudice would be caused to the respondents if the delay in seeking to restore the suit, filed by the petitioners is also condoned.



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5. I find force in the submissions of the learned counsel for the petitioners.

In fact, on the very same set of reasons, the petition to set aside the exparte order in the other suit viz., O.S.No.210 of 2013 as well as in the present suit i.e., O.S.No.113 of 2014 came to be filed by the petitioners in CRP No.4279 of 2023 and in CRP No.4279 of 2023, this Court has accepted the reasons assigned by the petitioners insofar as it relates to suit in O.S.No.210 of 2013.

6. In the light of the above, I am inclined to set aside the order passed by the trial court in I.A.No.1 of 2023 on payment of cost of Rs.5,000/-(Rupees Five thousand only).

7. Accordingly, the order passed by the trial court in I.A.No.1 of 2023 in O.S.No.113 of 2014 is set aside and the civil revision petition is allowed subject to payment of cost of Rs.5,000/-(Rupees Five Thousand Only) by the revision petitioners/plaintiffs to the credit of O.S.No.113 of 2014 within a period of two weeks from the date of receipt of a copy of this order. No costs.

02.12.2025

Neutral Citation: Yes/No

Speaking Order/Non-speaking Order

Index : Yes / No

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To

The District Munsif Court, Paramathy

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