



C.R.P.No.5496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5496 of 2025
and
C.M.P.No.27644 of 2025

K.Vijaya

... Petitioner

VS.

1.Saraswathi

2.Mallikadevi

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.06.2025 made in I.A.No.4 of 2024 in O.S.No.138 of 2012 on the file of the I Additional District Judge Court, Erode by allowing the Civil Revision Petition.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.R.P.Ruban Chakravarthy
M/s.S.Kaithamalai Kumaran



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application in I.A.No.4 of 2024 in O.S.No.138 of 2012 filed by the respondents seeking to set aside the *exparte* order passed against them dated 30.01.2013.

2. A reading of the impugned order would suggest that the petitioner did not raise any serious objection for allowing the application to set aside the *exparte* order and hence, the application filed by the respondents was allowed.

3. The learned counsel appearing for the petitioner submits that the petitioner stoutly opposed the application to set aside the *exparte* order by filing counter and additional counter and the same was not at all taken into consideration by the Court below.

4. If the recording of the Trial Court that petitioner did not raise any serious objection against allowing of the application to set aside the *exparte*



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order is not correct, the proper course for the petitioner is to approach the very same Court by filing appropriate application when the matter is afresh in the mind of the said Court. The petitioner is not entitled to impugn the recording of the Court below by way of revision.

5. Accordingly, the Civil Revision Petition stands dismissed with liberty to the petitioner to file appropriate application before the Trial Court for appropriate relief. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The I Additional District Judge,
Erode.



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S.SOUNTHAR, J.

dm

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