



C.R.P.(MD)No. 597 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.597 of 2022

and

C.M.P.(MD)Nos.2490 of 2022 & 16030 of 2024

M.Elangovan

...Petitioner

Vs.

1.S.Vijayakumari (died)

2.J.Manikandan (Earlier Power agent of 1st respondent)

3.Kokkilah

4.Revathi

5.Sundara Raju

...Respondents

[Respondents 3 & 4 are brought on record as LR of the deceased 1st respondent vide order dated 01.10.2024 made in CMP(MD)Nos.13554 to 13556 of 2024]

[Respondent No.5 is brought on record as LR of the deceased 1st respondent vide order dated 09.12.2024 made in CMP(MD)Nos.15950, 15954 & 15957 of 2024]



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PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, praying to set aside the order dated 08.11.2021 passed in I.A. No.178 of 2020 in O.S.No. 36 of 2017, by the District Munsif Court, Pattukottai.

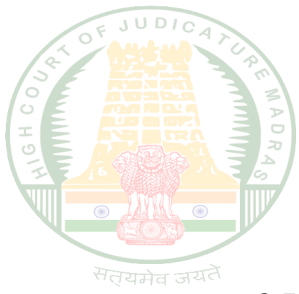
For Petitioner : Mr.A.Senthilkumar

For Respondents : Unserved

ORDER

This petition has been filed seeking to set aside the order dated 08.11.2021 passed in I.A.No.178 of 2020 in O.S.No. 36 of 2017, by the District Munsif Court, Pattukottai.

2.Learned Counsel for the petitioner would submit that the petitioner is the plaintiff in O.S.No.36 of 2017. The suit is one for declaration declaring the sale deed dated 12.12.1983 obtained by the first respondent from the petitioner's mother as null and void and for permanent injunction. The said suit was decreed ex-parte on 02.08.2017 and thereafter, the power agent of the first respondent filed I.A.No.178 of 2020 to set aside the ex-parte decree with a delay of 830 days under Section 5 of the limitation Act. The same was allowed in their favour. Challenging the same, the present Civil Revision Petition has been filed.

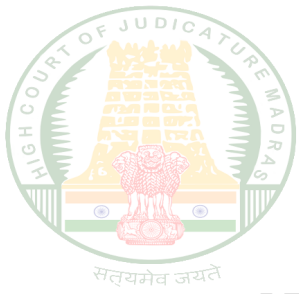


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3.Learned Counsel for the petitioner would submit that the petitioner is the brother-in-law of the first respondent and the first respondent married the petitioner's brother. There was a partition in between the family members that the subject properties stand in the name of the mother of the petitioner and mother-in-law of the first respondent and shared in between them along with other brothers, in which the first respondent and her husband are the signatories of the Muchalika and the first respondent is not residing in India, she is residing in Singapore and without the knowledge of the petitioner, the first respondent purchased the property from the petitioner's mother vide sale deed dated 12.12.1983, which is an unsustainable one. Immediately, on coming to know about the purchase in the year 1983, the petitioner filed a suit in O.S.No.36 of 2017 and the petitioner came to know about the same only after receiving a legal notice from the first respondent dated 13.10.2016. However, earlier the first respondent appointed one Manikandan as power agent and subsequently, she appointed one Saraswathi as power agent and she filed I.A.No.178 of 2020, which came to be allowed. Accordingly, he prays for appropriate orders.

4.Heard the learned Counsel for the petitioner.



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5.The fact in the present case is not in dispute and the relationship between the parties is also not in dispute. Admittedly, the first respondent is residing in Singapore. The petitioner who is the brother-in-law, filed a suit on the ground that the first respondent purchased the property from her mother-in-law in the year 1983, fraudulently and the sale deed was challenged in the year 2017 and the said suit was decreed ex-parte as against the first respondent on 02.08.2017. Since she was not in India, she was dependent on one Manikandan, who is the second defendant. Since the said Manikandan, did not contest the case properly, thereby she made one Saraswathi as power agent and filed I.A.No.178 of 2020 through her and thereafter, the delay was condoned with a cost of Rs.5,000/-. Such order is not perverse and need not be interfered with.

6.Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.07.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The District Munsif Court,
Pattukottai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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