



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1874 of 2025

and

C.M.P.(MD)No.10373 of 2025

1.G.Vairamuthu

2.D.Vijayalakshmi

3.D.Solagiri

...Petitioners

Vs.

Masilamani

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.5 of 2025 in O.S.No.239 of 2010 on the file of the Additional Sub Court, Palani, dated 05.03.2025.

For Petitioners

: Mr.C.Mayil Vahana Rajendran



ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 05.03.2025 made in I.A.No.5 of 2025 in O.S.No.239 of 2010 on the file of the Additional Sub Court, Palani.

2. The petitioners herein filed a suit in O.S.No.239 of 2010 against the respondent and two others before the Additional Sub Court, Palani, seeking partition and consequential injunction. During the pendency of the suit, the respondent herein filed an application in I.A.No.5 of 2025 under Order VIII Rule 1A(3) C.P.C., to condone the delay in producing documents on his side. The said application was allowed on 05.03.2025. Challenging the same, the present Civil Revision Petition has been filed.

3. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

4. The learned counsel appearing for the petitioners would submit that the suit was filed in the year 2010 and the present interlocutory application was filed only in 2025, after a lapse of 15 years. However, without considering the inordinate delay caused by the respondent, the trial Court mechanically allowed the petition, which is not sustainable in law. Hence, he prays that liberty may be granted to the petitioners to raise all objections before the trial Court at the time of trial.



5. In view of the above, this Civil Revision Petition is disposed of by granting liberty to the petitioners to raise all objections before the trial Court at the time of trial. No costs. Consequently, the connected miscellaneous petition is closed.

04.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Sub Court, Palani.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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