



C.R.P.(PD)(MD)No.1140 and 1141 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1140 and 1141 of 2021

and

C.M.P.(MD).No.6671 of 2021

1.Balasubramanian

2.Sekar

3.Sivasankaran

.. Petitioners in both petitions

Vs.

Pitcharaja

.. Respondent in both petitions

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the order and decreetal order dated 11.03.2021 in I.A.Nos.226 and 227 of 2020 respectively in O.S.No.296 of 2016 on the file of the Additional District Munsif Court, Tirumangalam.

In both petitions:

For Petitioners : Mr.T.Pon Ramkumar

For Respondent : Mr.R.Suriya Narayanan

* * * * *



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COMMON ORDER

These petitions are filed to set aside the order and decretal order dated 11.03.2021 in I.A.Nos.226 and 227 of 2020 respectively in O.S.No.296 of 2016 on the file of the Additional District Munsif Court, Tirumangalam.

2. The petitioners herein are the plaintiffs and the respondent herein is the defendant in the suit in O.S.No.296 of 2016 on the file of the Additional District Munsif Court, Tirumangalam.

3. The learned counsel for the petitioners/plaintiffs would submit that the petitioners are the plaintiffs and they filed the suit for declaration and permanent injunction. The said suit was decreed as *ex-parte* on 19.02.2019. Aggrieved by the same, the respondent/defendant filed an application in I.A.No.227 of 2020 to set aside the *ex-parte* decree under Order 9 Rule 13 C.P.C. Since there was a delay of 271 days, the respondent/defendant filed an application in I.A.No.226 of 2020 under Section 5 of the Limitation Act, to condone the delay, along with the said I.A.No.226 of 2020. Both the applications were allowed. Aggrieved by the same, the plaintiffs have filed the present civil revision petitions.



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4. The learned counsel for the petitioners/plaintiffs further submitted that the respondent is a landgrabber. Earlier, he filed an injunction petition, which was dismissed. Apart from that, three suits have been filed against the family members of the petitioners. All the suits were dismissed. However, in the present suit, the respondent deliberately not appeared before the trial Court, thereby, the trial court granted *exparte* decree in favour of the petitioners, which need not be interfered with. Hence, the learned counsel prays for allowing these petitions.

5. The learned counsel for the respondent/defendant would submit that without providing any opportunity, the *exparte* decree has been granted. On the particular date, the respondent could not appear before the trial Court. However, the *exparte* decree was passed without giving any adjournment. The delay has been properly explained, and therefore, the trial Court condone the delay which need not be interfered with. He would further submit that the respondent is ready to comply with any reasonable condition imposed by this Court.



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counsel.

6. I have considered the submissions of both the learned

7. According to the petitioners/plaintiffs, there is no proper explanation to condone the delay of 271 days. However, a perusal of the order of the trial Court shows that the trial Court allowed the condone delay petition by imposing a cost of Rs.1500/- on the respondent/defendant. This Court is of the view that one opportunity has to be given to the respondent/defendant to defend the case and therefore, there is no necessity to interfere with the said order. Hence, this petition is liable to be dismissed.

8. Accordingly, the civil revision petition stands dismissed. The respondent/defendant shall pay cost of Rs.10,000/- (Rupees Ten Thousand only) to the petitioners and shall produce the receipt before the trial court. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Internet:Yes/No
Index:Yes/No
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To

1.The Additional District Munsif, Tirumangalam.

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



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M.DHANDAPANI, J.

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