



C.R.P.(PD)(MD).No.1828 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1828 of 2025

and

C.M.P.(MD)No.10080 of 2025

S.Ananth

... Petitioner

Vs.

1.V.Arulpandi

2.V.Sundarraaj

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the order dated 02.06.2025 made in I.A.No.6 of 2025 in O.S.No.572 of 2024 on the file of the Principal District Munsif Court, Tenkasi.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.S.Vishnuvarthan

ORDER

This Civil Revision Petition is filed challenging the order dated 02.06.2025 made in I.A.No.6 of 2025 in O.S.No.572 of 2024 on the file of the Principal District Munsif Court, Tenkasi.



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2.The petitioner is the fourth defendant in the suit filed by the respondents/plaintiffs in O.S.No.572 of 2024 on the file of the District Munsif Court, Tenkasi. In that suit, the petitioner failed to appear for the suit proceedings and *ex-parte* order was passed on 28.04.2025 as against the petitioner herein. Seeking to set aside the said *ex-parte* order, the petitioner filed an application under Order IX Rule 7 and Section 151 of CPC on 29.04.2025 itself. The said application was allowed, however directing the petitioner to pay a sum of Rs.5,000/- as costs. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the *exparte* order was passed on 28.04.2025 as against the petitioner herein. The petitioner has filed an application to set aside the said *exparte* order on the very next day itself i.e., on 29.04.2025 without any delay. The petitioner has no intention to drag on the suit proceedings. However, the trial Court without considering all these aspects has imposed costs upon the petitioner and the same is not sustainable.



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4.Per contra, the learned counsel for the respondents submits that admittedly, the petitioner has not appeared before the trial Court, thereby the *ex-parte* order was passed on 28.04.2025. The trial Court while entertaining the application filed for setting aside the *ex-parte* order, has imposed the costs by exercising its discretionary power and the same cannot be challenged by the petitioner.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.Admittedly, the petitioner failed to appear for the suit proceedings and an *ex-parte* order was passed as against him. The *ex-parte* order was passed on 28.04.2025. The application to set aside the *ex-parte* order was filed on the very next day on 29.04.2025. There is no delay on the part of the petitioner. The petitioner cannot be blamed for the delay caused in disposal of the suit. The delay was occurred on various grounds. One such ground is transfer of the suit from one Court to another Court. Merely because the suit is pending for more than ten years, the petitioner cannot be put into terms.



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Accordingly, the order passed by the trial Court imposing costs upon the petitioner alone is set aside and this Civil Revision Petition is **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 09.07.2025

To

- 1.The Principal District Munsif Court, Tenkasi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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