



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[NPD](MD)No.1886 of 2025

Saroja

...Petitioner

Vs.

Selvakumar

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 CPC to call for the records pertaining to the fair and decreetal order passed by the learned Additional District Munsif, Valliyoor, Tirunelveli District in I.A.No.6 of 2024 in O.S.No.133 of 2019 on 09.06.2025 and set aside the same and consequently direct the learned Additional District Munsif, Valliyoor, Tirunelveli District, to set aside the exparte order passed in O.S.No.133 of 2019 dated 31.01.2023.

For Petitioner : Mr.A.Kesavan

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed by the learned Additional District Munsif, Valliyoor,

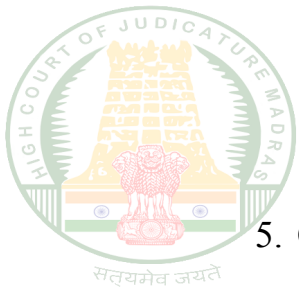


Tirunelveli District in I.A.No.6 of 2024 in O.S.No.133 of 2019, dated 09.06.2025, and consequently, to direct the learned Additional District Munsif to set aside the ex parte decree passed in O.S.No.133 of 2019 dated 31.01.2023.

2. The respondent herein filed a suit in O.S.No.133 of 2019 before the learned Additional District Munsif, Valliyoor, seeking permanent injunction against the petitioner. The said suit was decreed ex parte on 31.01.2023. Thereafter, the petitioner filed an interlocutory application in I.A.No.6 of 2024 before the trial Court seeking condonation of delay of 461 days to set aside the ex parte decree. However, the said application was dismissed on 09.06.2025, aggrieved by which the present revision petition has been filed.

3. Though the name of the respondent has been printed in the cause list, none appeared on behalf of him.

4. The learned counsel for the petitioner submitted that the petitioner, due to old age and being bedridden, was unable to appear before the trial Court, resulting in an ex parte decree. Upon recovery, the petitioner promptly filed an application to set aside the said decree. However, the trial Court dismissed the application, which is not legally sustainable. The petitioner is also willing to pay costs as may be imposed.



5. Considering the submissions made and in the interest of justice, this

Court is inclined to allow this revision petition.

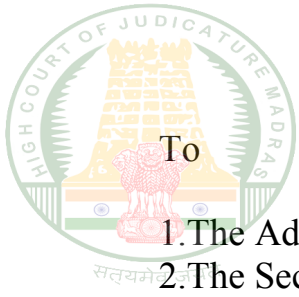
6. Accordingly, the order dated 09.06.2025 passed in I.A.No.6 of 2024 in O.S.No.133 of 2019 on the file of the learned Additional District Munsif, Valliyoor, is set aside. The ex parte decree dated 31.01.2023 passed in O.S.No. 133 of 2019 is also set aside. The suit in O.S.No.133 of 2019 is restored to file. The petitioner is directed to pay a sum of Rs.5,000/- to the Taluk Legal Services Authority, Valliyoor, Tirunelveli District, within a period of two weeks from the date of receipt of a copy of this order. Upon such payment and production of proof before the trial Court, the trial Court shall restore the suit in O.S.No.133 of 2019 to its file and proceed with the matter on merits and in accordance with law. After restoration, the trial Court is directed to dispose of the suit as expeditiously as possible.

7. In the result, the Civil Revision Petition stands allowed.

29.07.2025

Internet: Yes/No

Index: Yes/No



To

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



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M.DHANDAPANI, J.

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