



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1782 of 2022

J.Jernas

...Petitioner

Vs.

Geetha Abraham

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the judgment and decree dated 29.07.2015 passed by the Sub Court, Palani (Camp at Kodaikanal) in O.S.No.24 of 2011.

For Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.P.M.Vishnuvarthanan

ORDER

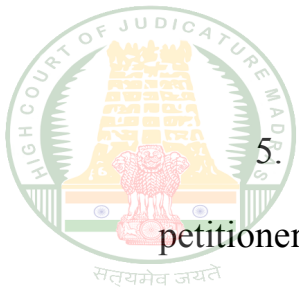
This Civil Revision Petition has been filed to set aside the judgment and decree dated 29.07.2015 passed by the Sub Court, Palani (Camp at Kodaikanal) in O.S.No.24 of 2011.



2. The respondent/plaintiff filed a suit in O.S.No.24 of 2011 against the petitioner/defendant seeking a permanent prohibitory injunction in respect of the suit schedule property measuring 0.81.0 hectare comprised in Survey No. 328/1 in Vilpatti Village, Kodaikanal Taluk, Dindigul District before the learned Sub Judge, Palani. The said suit was decreed in favour of the respondent on 29.07.2015.

3. The learned counsel for the petitioner would submit that the petitioner, as the defendant in O.S.No.24 of 2011, had no knowledge of the decree being passed. It was recorded as if the petitioner had appeared before the trial Court, produced a memo, and agreed to the relief sought by the respondent/plaintiff, on which basis the decree came to be passed on 29.07.2015. The petitioner, however, recently came to know of the said decree.

4. It is further submitted that the petitioner had never engaged any counsel by the name of Murugesan. Initially, the petitioner had engaged one N. Krishnamoorthy, who entered appearance before the trial Court and filed a written statement. However, without any instructions from the petitioner, one Murugesan is said to have appeared before the trial Court and filed a memo as if the petitioner had agreed to the relief claimed by the respondent.



5. Earlier, this Court, at the request of the learned counsel for the petitioner, called for the entire trial Court records. Upon perusal, it was found that no such memo was available in the records. In view of the above, the learned counsel for the petitioner fairly prayed that the decree in O.S.No.24 of 2011 dated 29.07.2015 be set aside and the matter may be remanded back to the trial Court for fresh consideration.

6. In view of the submissions made, the decree passed in O.S.No.24 of 2011 dated 29.07.2015 is set aside. The trial Court is directed to restore the suit to its file and dispose of the same after affording sufficient opportunity to both parties, within a period of six months from the date of receipt of a copy of this order.

7. Liberty is granted to the petitioner to engage a counsel of their choice in the manner known to law. Similarly, liberty is granted to the respondent to engage a counsel of their choice.

8. Accordingly, the Civil Revision Petition stands allowed. No costs.

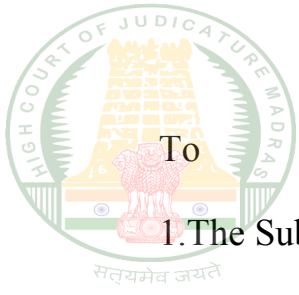
18.07.2025

Internet:Yes/No

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To

1.The Sub Court, Palani (Camp at Kodaikanal).

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



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C.R.P.(MD)No.1782 of 2



M.DHANDAPANI, J.

TSG

C.R.P.(MD)No.1782 of 2022

18.07.2025