



C.R.P.(PD)(MD).No.2758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.2758 of 2024
and CMP(MD).No.15625 of 2024

1.Boominathan

2.Kaliammal

.... Petitioners/Petitioners
/Defendants

-VS-

Subramanian

.....Respondent/Respondent
/Plaintiff

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the decreetal and fair order dated 12.06.2024 passed in I.A.No.01 of 2024 in O.S.No.100 of 2010 on the file of the District Munsif Cum Judicial Magistrate Court, Rameswaram by allowing this civil revision petition.

For Petitioners : Mr.M.Kannan

For Respondent : Mr.J.Barathan for
Mr.B.Mahendrarajan

ORDER

The defendants in a suit for declaration of title and recovery of possession are the revision petitioners.



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2. When the suit was posted on 11.12.2023 for letting in evidence on the side of the defendants, the defendants were not present and therefore, their side evidence was closed by the Court. The defendants have filed I.A.No.1 of 2024 seeking to condone the delay of 41 days for filing an application to set aside the exparte order. This application came to be dismissed. Challenging the same, the present civil revision petition has been filed.

3. According to the learned counsel for the revision petitioners, the delay was only 41 days, the trial Court ought to have allowed the said application and permit the defendants to let in evidence on their side.

4. Per contra, the learned counsel for the respondent/plaintiff had contended that the defendants are attempting to drag on the proceedings and the trial Court has rightly set the defendants exparte.

5. Heard both sides and perused the material records.

6. Considering the fact that the defendants were set exparte and so far exparte decree has not been passed, this Court is inclined to set aside the order impugned in the revision petition and accordingly, it is set aside. This civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.



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7.The trial Court is directed to dispose of the suit on or before
31.10.2025.

15.04.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1.The District Munsif Cum Judicial Magistrate
Rameswaram

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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