



C.R.P(MD)Nos.3425 and 3549 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2025

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)Nos.3425 and 3549 of 2025

C.R.P(MD)No.3425 of 2025

1.Ganesan
2.G.Saravanan

... Petitioners/Respondents/
Defendants

Vs.

Gopalsamy

...Respondent/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order made in unnumbered E.A.No. of 2025 in E.P.No.49 of 2021 in O.S.No.3 of 2020 on the file of the Additional District Judge, (Fast Track), Kumbakonam dated 27.10.2025 and direct the said Court to take on file the said interlocutory application, by allowing this revision.

For Petitioner : Mr.R.Sundar

C.R.P(MD)No.3549 of 2025

1.Ganesan
2.G.Saravanan

... Petitioners/Petitioners/
Respondents/Defendants

Vs.



C.R.P(MD)Nos.3425 and 3549 of 2025

Gopalsamy

...Respondent/Respondent/
Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order made in unnumbered E.A.No. of 2025 in E.P.No.49 of 2021 in O.S.No.3 of 2020 on the file of the Additional District Judge, (Fast Track), Kumbakonam dated 13.10.2025 and direct the said Court to take on file the said interlocutory application, by allowing this revision.

For Petitioner : Mr.R.Sundar

COMMON ORDER

The present civil revision petitions have been filed to set aside the docket order made in unnumbered E.A.Nos. of 2025 in E.P.No.49 of 2021 in O.S.No.3 of 2020 on the file of the Additional District Judge, (Fast Track), Kumbakonam dated 27.10.2025 and 13.10.2025 and direct the said Court to take on file the said interlocutory applications.

2. The petitioners were originally set *ex parte* in the execution proceedings. They had filed an application under Section 47 of C.P.C., which was returned with an endorsement stating that they had been set



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ex parte. Thereafter, the petitioners filed an application to set aside the *ex parte* order and the same was returned with an endorsement indicating that the first petitioner has already filed a similar application, which had been numbered. Both the applications were returned by the Court below. Therefore, the petition was not maintainable only in respect of the interlocutory application and not in the execution petition.

3. The application filed under Section 47 of the C.P.C., was originally returned on the ground that they had been set *ex parte*. When the petitioner subsequently filed an application to set aside the *ex parte* order, the same was returned indicating that the first petitioner independently filed an interlocutory application to set aside the *ex parte* order and again on the same ground, the application had been returned.

4. This Court is of the view that the returns made by the Court below in both the interlocutory applications are liable to be set aside. Accordingly, the returns made by the Court below are set aside with a direction to the Court below to number the application filed to set aside the *ex parte* order and dispose of the same on merits and in accordance with law. If the order is passed in favour of the petitioners, the petition



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filed under Section 47 of C.P.C., shall be taken on file.

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5. In fine, these civil revision petitions stand ordered. There shall be no order as to costs.

26.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Registry is directed to return the original impugned order copy to the learned counsel for the petitioners.

To

1.The Additional District Judge (Fast Track),
Kumbakonam

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

K.KUMARESH BABU,J.



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