



WEB COPY

CRP No. 621 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 621 of 2024

AND

CMP NO. 3069 OF 2024

1. P. Kalaiselvi

W/o Prabhakaran, D/o Dhanasekaran,
Pelapore Village, Maiyur Post,
Maduranthakam Tk, Kancheepuram Dt

2.H.Uma

W/o Harikrishnan, D/o Dhanasekaran,
Malaiyadi Venbakkam Village and Post,
Chengalpattu Town Tk

Petitioner(s)

Vs

1. V. Dhanasekaran

S/o Balurama Naicker, Bhudur Village,
Maduranthagam Tk, Kancheepuram Dt

2.Chitra

D/o Muthu Naicker, Bhudur Village,
Maduranthagam Tk, Kancheepuram Dt

3.Saroopchand

Old No.30, New No.61, Vijayara Road,
T.Nagar, Chennai 600 017

4.Mohana

W/o Thanigaivel, D/o Dhanasekaran,
Periya Edayathur Village,
Thirukalukundram Tk, Kancheepuram
DT

5.The District Collector

Kancheepuram Dt, Office at
Kancheepuram



6.The Sub Registrar
Maduranthakam, Maduranthakam Tk,
Kancheepuram Dt

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Respondent(s)

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PRAYER

To against the fair and final order dated 31.07.2023 passed in IA.No. 339 of 2016 in OS.No. 432 of 2008 on the file of the Additional District Judge, Kancheepuram at Chengalpattu.

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For Petitioner(s): M/s.M. Ganesan
Suganya Maya
S.vishal
R.p.rakesh
S.manimaran

For Respondent(s): M/s.K.Goviganesan
S.Sriram
M.Vishali
P.Santhosh
C.Vigneshwaran For R1 To R3
M/s. C. Sathish, Learned
Government Advocate Takes
Notice For R5 And 6
Vide Court Order Dt.06/03/2024
Batta With Grounds Filed
Want Of Petition And Affidavit
Copies Due Reg R4
Private Notice

R-3 SAROOPCHAND Old
No.30, New No.61, Vijayara
Road, T.Nagar, Chennai 600 017
R-4 MOHANA W/o Thanigaivel,
D/o Dhanasekaran, Periya
Edayathur Village,
Thirukalukundram Tk,
Kancheepuram DT
Rr1 And 2 - Insufficient Address



(tracking Sheet Filed)

ORDER

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This Civil Revision Petition has been filed against the fair and final order dated 31.07.2023 passed in IA.No. 339 of 2016 in OS.No. 432 of 2008 on the file of the Additional District Judge, Kancheepuram at Chengalpattu.

2. The brief facts of the case:

The petitioners herein filed OS No.432 of 2008 against their father on the file of the Additional District Judge, Kancheepuram, Chengalpattu, for partition. Despite issuing notice, the defendants remained *exparte*. Consequently, the Trial Court passed preliminary decree and to execute the preliminary decree the petitioners filed final decree application. While pending proceedings, first defendant filed a petition to set aside the *exparte* decree with the delay of 430 days stating that he misplaced the case papers while taking copy in xerox shop and due to lack of communication he was not able to follow the proceedings. Hence, he prays to condone the delay of 430 days in filing the application to set aside the *exparte* decree. Upon hearing both sides, the Trial Court allowed the application on payment of cost. Challenging the same, the petitioner filed this Civil Revision Petition.

3. The learned counsel for the petitioners submitted that the suit was instituted in 2008 and that the first defendant/the petitioners' father was fully aware of the proceedings but purposefully remained *ex-parte*. It was argued that



he only approached the court after the initiation of final decree proceedings to frustrate the process. But without appreciating the same, the Trial Court allowed the application. Hence, he prays to set aside the order passed by the Trial court.

4. The learned counsel for the respondents submit that the respondent/first defendant is aged about 76 years and due to lack of communication he was not able to follow the court proceedings. Hence, he prays to dismiss this Civil Revision Petition.

5. Heard both sides.

6. A perusal of records, the fact reveals that the daughters/petitioners filed suit against their father/first respondent, who is aged about 76 years. Admittedly, the suit is pending from the year 2008. After passing preliminary decree, the first defendant filed the petition to condone delay of 430 days in filing the application to set aside the exparte decree stating for the reason that the he misplaced the case bundle in xerox shop while taking photocopy. But the said reason was strongly objected by the petitioners stating that while cross examination of P.W.1, the first respondent purposefully remained exparte with ill intention.

7. Admittedly, the reason stated by the first defendant is not acceptable one. However, it is partition suit between daughters and father and the father is aged about 76 years his rights also to be protected. Hence, this Court is not inclined to interfere with the order of the Trial Court. Since, the first defendant is aged about 76 years and the case is of the year 2008, the Trial Court is



directed to complete the Trial within a period of three months. Further, the first defendant/respondent is directed to pay a cost of Rs.5,000/- to the petitioner's counsel. Accordingly, this Civil Revision Petition is disposed of. Pending petition, if any, is/are closed. No Costs.

03-03-2026

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional District Judge, Kancheepuram at Chengalpattu.
2. The Section officer, V. R. Section, High Court, Madras.



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T.V.THAMILSELVI J.
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