



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-06-2026**

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**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**

**CRP No. 963 of 2026**

**AND**

**CMP NO. 5195 OF 2026**

1. Shanaz Memorials

Sole Proprietorship, Proprietor Aleejiba  
Fathima, D/O. Immthiyaj Ahamadh,  
Rani Durgawathi Street, Near Civil  
Court, Pendra Road, Gaurella District,  
Pendra, Marahi, Chattisgarh - 495117.

Petitioner(s)

Vs

1. S.K.Abdul Saheb Sons

Aleem Beedi Company, Rep. by its  
Managing Director, Zubeirullah Absul  
Aleem Saheb, S/O. Abdul Aleem,  
D.No.10/113, Big Mosque Street,  
Sathyamangalam, Erode - 638401. Rep.  
by its Power Agent, Nallasamy, S/O.  
Perumal, No.28, 2nd Street, Thirunagar  
Colony, Sathyamangalam, Erode  
District.

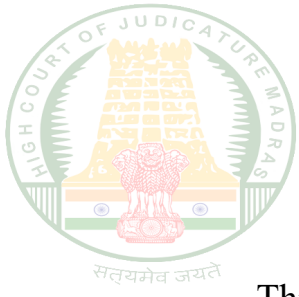
Respondent(s)

**PRAYER**

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and final order passed in I.A.No.3 of 2025 in O.S.No.370 of 2023 dated 01.11.2025 on the file of the Subordinate Court, Sathyamangalam.

For Petitioner(s): Mr.R.V.Agilan

For Respondent(s): Mr.N.Mohan Nivas

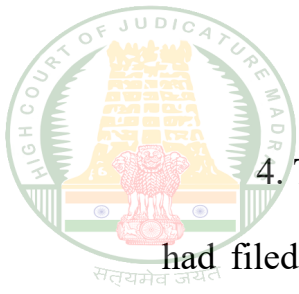


## **ORDER**

This civil revision petition has been filed, challenging the impugned order dated 01.11.2025 passed by the trial court in I.A. No. 3 of 2025 in O.S. No. 370 of 2023.

2. The aforesaid order was passed by the trial court, dismissing the application filed by the petitioner, seeking to set aside the *ex parte* order passed against her in the suit in O.S. No. 370 of 2023 filed by the respondent. The suit was filed, seeking recovery of money from the petitioner on the ground that the goods supplied by the petitioner to the respondent were defective in nature and the petitioner refused to take back the goods.

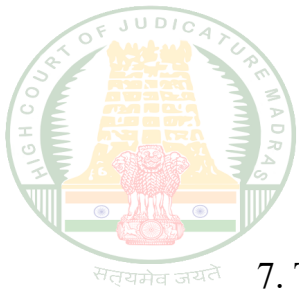
3. The petitioner had stated that due to her illness, she did not enter appearance in the suit in O.S. No. 370 of 2023 on the hearing date. Since the petitioner did not produce any medical records to substantiate the same, the trial court has dismissed the application filed by the petitioner, seeking to set aside the *ex parte* order under the impugned order dated 01.11.2025 in I.A. No. 3 of 2025. Admittedly, there is no delay on the part of the petitioner in filing the application seeking to set aside the *ex parte* order.



4. The learned counsel for the respondent would submit that the petitioner had filed a subsequent suit before the Chattisgarh Court, seeking recovery of money from the respondent only to circumvent the suit in O.S. No. 370 of 2023 pending on the file of the trial court, which is the subject matter of this civil revision petition.

5. The petitioner claims that the goods supplied to the respondent were not defective and that the respondent is liable to pay the petitioner for the value of the goods. However, the same is disputed by the respondent, who claims that the goods supplied by the petitioner were defective in nature and that the petitioner refused to take back the goods from the respondent. All these issues will have to be decided by the trial court.

6. When there is no delay on the part of the petitioner in filing the application, seeking to set aside the *ex parte* order and that too when the petitioner has stated that she was suffering from illness for a period of one month, which is not a long period of time, the trial court, considering the aforesaid facts and circumstances, ought to have held that the reasons given by the petitioner is a sufficient cause for allowing the application filed by the petitioner, seeking to set aside the *ex parte* order, without insisting upon medical records to substantiate her illness.



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7. This Court is of the considered view that the trial court has erroneously dismissed the application filed by the petitioner in I.A. No. 3 of 2025, seeking to set aside the *ex parte* order, as sufficient cause has been shown by the petitioner for her non-appearance on the hearing date of the suit. There is no contra evidence produced by the respondent before the trial court to disprove the contention of the petitioner that she was unwell and only due to the same, she was unable to enter appearance in the suit on the hearing date.

8. Since the impugned order suffers from infirmity, this Court has to necessarily interfere with the same in this civil revision petition. Accordingly, the impugned order dated 01.11.2025 passed in I.A. No. 3 of 2025 in O.S. No. 370 of 2023 is hereby set aside by this Court and the *ex parte* order dated 11.03.2025 passed by the trial court in O.S. No. 370 of 2023 is also set aside by this Court, by directing the petitioner to file written statement within a period of one week from the date of receipt of a copy of this order, and the trial court is directed to receive the same if it is filed within time, failing which, this civil revision petition shall stand automatically dismissed and the *ex parte* order passed by the trial court against the petitioner shall continue.



9. With the aforesaid directions, this civil revision petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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**09-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes  
Neutral Citation: Yes/No  
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To

The Subordinate Court, Sathyamangalam.



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**ABDUL QUDDHOSE J.**

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