



WEB COPY

CRP No. 1270 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1270 of 2025

AND

CMP NO. 7609 OF 2025

Boopathiraja
D.No.90, R.S.Road,
Pallipalayam, Erode-638 006

..Petitioner(s)

Vs

Nithya
Rep by her Power Agent, P.Kesavan,
D.No.2, Manimekalai Street,
Kumarapalayam Taluk-637 209,
Namakkal District

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 04-02-2025 made in I.A.No.10/2024 in O.S.No.187/2010 on the file of the Sub Court, Tiruchengode.

For Petitioner(s): Ms.D.Sathya

For Respondent(s): Mr.Sathish Kumar for
Mr.S.Varunesh

Mr.P.Chandrasekaran
in suit for D8 to D10

ORDER

Challenging the impugned order passed in I.A.No.10 of 2024 in O.S.No.187 of 2010 by the learned Sub-Judge, Tiruchengode, the Revision Petitioner/2nd defendant preferred this Civil Revision Petition.



2. Before the trial court, the Revision Petitioner filed an application under Order 9 Rule 7 of C.P.C. to set aside the exparte order, which was passed against him on 07.10.2009 and the same was dismissed by the trial judge holding that nearly about 15 years later, the said application was filed without any sufficient reasons and he has also not filed his reply statement. He has not proved his illness with medical report and the reason assigned for the delay is not sustainable one. Accordingly, the said application was dismissed. Aggrieved over that, the revision petitioner/2nd defendant preferred this Civil Revision Petition.

3. The learned counsel for revision petitioner would submit that he is the father of plaintiff, he is having valid defence to defend the plaintiff's claim of partition, more particularly, with regard to 'D' schedule property. Therefore, the opportunity is to be given to file his objections and to contest the plaintiff's claim, but the trial judge failed to grant such opportunity. Hence, he prayed to set aside the findings of trial judge.

4. The learned counsel for defendants 8 to 10, who are the purchasers of the property in the year 1999 from his father. They have contested the suit stating that only for valid consideration, they have purchased the property and all these years, they were in possession and enjoyment of the properties from



the year 1999 onwards. The plaintiff, being a daughter and the revision petitioner/2nd defendant, who is father of plaintiff have colluded together in order to harass the purchasers and came forward with the false claim, besides she has not assigned sufficient reasons to set aside the exparte order. Nearly about 15 years later, he approached the court and the same was rightly dismissed by the trial judge, which requires no interference. Hence, he prayed to dismiss this Civil Revision Petition.

5. Heard and considered rival submissions made on either side and perused the materials available on record.

6. On perusal of records, it reveals that the revision petitioner/2nd defendant was set exparte on 07.10.2009 and nearly about 15 years later, he came forward with the application to set aside the exparte order, but no reason was assigned for such inordinate delay. Moreover, he has not filed his written statement along with the said application. Admittedly, the plaintiff, who is the daughter of 2nd defendant and there is no proof that he was under treatment for his illness. Therefore, the trial judge has rightly concluded that he has not approached the court with clean hands and no sufficient reason assigned by him and reason submitted by him not sufficiently proved with medical record all these years. Only in order to drag on the proceedings, he came forward with the said application. Considering that, this court is inclined to confirm the findings



rendered by the trial judge in I.A.No.10 of 2024 in O.S.No.187 of 2010.

Accordingly, this Civil Revision Petition is dismissed as no merit. The trial judge is directed to proceed with the trial and dispose the case as early as possible. Furthermore, the revision petitioner has to work out his remedy by way of filing separate suit subject to limitation. No costs. Consequently, connected civil miscellaneous petition is closed.

18-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

N.B. : Issue order copy on 23.03.2026

To

The Sub-Judge, Tiruchengode.



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T.V.THAMILSELVI J.

RPP

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