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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.1851 of 2026
and
C.M.P.No.8298 of 2026

CNR: {HCMA010563292026}

Case QR

M.P.Carounagarane
S/o.Late M.Perumal Gounder

..Petitioner

Vs

1. R.Radjalatchoumy
   W/o.Radhakrishnan

2. K.Tilagavady
   W/o.Kaliappan

3. S.Kousalya
   W/o Sundaraj

4. G.Nirmala
   W/o.Gandhi

5. M.P.Counagarane
   S/o.Late M.Perumal Gounder

6. M.P.Vijayarangan
   S/o.Late M.Perumal Gounder

7. M.P.Radjagobalou
   S/o.Late M.Perumal Gounder

8. M.P.Bascarane
   S/o.Late M.Perumal Gounder

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 08.04.2024 made in I.A.No.1 of 2024 in O.S.No.170 of 2021 on the file of the II Additional District Judge, Puducherry.

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For Petitioner : Ms.R.Rayeesa Fathima
For Respondents : Ms.R.Nandhini
for Mr.S.S.Rajesh [R1 to R4]

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 08.04.2024 made in I.A.No.1 of 2024 in O.S.No.170 of 2021 by the II Additional District Judge, Puducherry. wherein the application filed by the petitioner/first defendant under Order IX Rule 7 CPC to set aside the *ex parte* order dated 10.08.2023 was dismissed on the ground that the petitioner did not pay cost imposed by the Court below within the time frame fixed by this Court.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

3. The respondents 1 to 4 are the plaintiffs, who filed the suit in O.S.No.170 of 2021 seeking the relief of partition and for allotment of 1/9th share in the suit property. The petitioner is the first defendant. The petitioner was set *ex parte* by an order dated 10.08.2023. An application was filed in I.A.No.1 of 2024 in O.S.No.170 of 2021 under Order IX Rule 7 CPC to set aside the *ex parte* order. On 28.03.2024, this application was allowed subject to payment of cost of Rs.1,000/- to the plaintiff on or before 06.04.2024. Since this condition was not complied with, the Court below proceeded to dismiss the

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application by order dated 08.04.2024. Aggrieved by the same, the present revision has been filed before this Court.

4. In the case in hand, if the petitioner had approached this Court on time, this Court would have considered the case of the petitioner sympathetically and granted opportunity to the petitioner to contest the case. However, as against the order passed by the Court below on 08.04.2024, this civil revision petition came to be filed before this Court only on 05.03.2026 and there is absolutely no explanation in the affidavit filed in support of the petition as to why there is such an enormous delay in filing the civil revision petition. Even if the law of limitation is not applicable for a petition filed under Article 227 of the Constitution of India, certainly such petition has to be filed within the reasonable time failing which it can be rejected on the ground of laches.

5. Learned counsel for petitioner submitted that the suit is only at the stage of examination of PW-1 and hence, one opportunity may be given to the petitioner to contest the case by putting the petitioner on terms.

6. Taking into consideration the nature of relief sought for in the suit and also taking note of the fact that the suit is only at the stage of examination of PW-1, this Court is inclined to afford an opportunity to the petitioner to contest the suit on merits subject to certain conditions.

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Order QR

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N.ANAND VENKATESH, J.
gm

7. In the result, this civil revision petition is disposed of in the following terms:

(a) The petitioner is directed to pay a sum of Rs.10,000/- towards cost to the respondents 1 to 4/plaintiffs within a period of ten (10) days from the date of receipt of a copy of this order;

(b) On compliance with the said condition in (a) the petitioner is directed to submit a memo before the Court below and the Court below shall set aside the *ex parte* order dated 08.04.2024;

(c) If the cost is not paid by the petitioner within the time frame fixed by this Court, the order passed by the Court below in I.A.No.1 of 2024 in O.S.No.170 of 2021 dated 08.04.2024 will stand revived; and

(d) The II Additional District Judge, Puducherry. is directed to dispose of the suit in O.S.No.170 of 2021 within a period of six (6) months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

17-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm
To
The II Additional District Judge, Puducherry.

Civil Revision Petition No.1851 of 2026

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