



WEB COPY

CRP No. 1574 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

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

CRP No. 1574 of 2026

AND

CMP No. 8102 of 2026, CMP No. 8108 of 2026, & CMP No. 7405 of 2026

Karthik Shanmugavel
S/o. Shanmugavel Nadukalippan,
D.No.2/84A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore District,
Now residing at S.f.No.52,
Kakkadavu,
Pollachi Taluk,
Coimbatore - 641120.

..Petitioner(s)

Vs

1. K.Selvakumar
S/O. Kuppusamy,
D.No.6/1,
Subramanian Street,
Saraswathy Illam,
Raja Mill Road,
Pollachi,
Coimbatore.
2. Shanmughavel Nadukaliappan
S/o. Nadukaliappan,
Res. D.No.2/84-A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore Dt.
Now Res. at D.No.128/A3B,
Kakkadavu, Pollachi Tk,
Coimbatore-120.



3. Jagadhambal Shanmughavel
W/o. Shanmugavel
Res. at D.No.2/84A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore Dt.
Now Res. at D.No128/A3B,
Kakkadavu,
Pollachi Tk,
Coimbatore-120.

..Respondent(s)

CMP No. 8102 of 2026

Selvakumar
S/O. Kuppusamy,
D.No.6/1,
Subramanian Street,
Saraswathy Illam,
Raja Mill Road,
Pollachi,
Coimbatore.

..Appellant(s)

Vs

1. Karthik Shanmugavel
S/o. Shanmugavel Nadukalippan,
D.No.2/84A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore District,
Now residing at S.f.No.52,
Kakkadavu,
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Coimbatore - 641120.
2. Shanmughavel Nadukaliappan
S/o. Nadukaliappan,
Res. D.No.2/84-A,
Senkuttaipalayam Road,
Kakkadavu,



Pollachi Taluk,
Coimbatore Dt.
Now Res. at D.No.128/A3B,
Kakkadavu, Pollachi Tk,
Coimbatore-120.

3. Jagadhambal Shanmughavel
W/o. Shanmugavel
Res. at D.No.2/84A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore Dt.
Now Res. at D.No128/A3B,
Kakkadavu,
Pollachi Tk,
Coimbatore-120.

..Respondent(s)

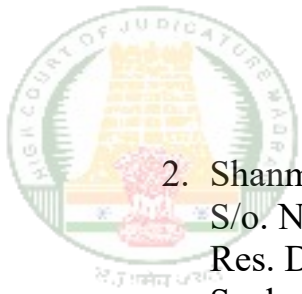
CMP No. 8108 of 2026

Selvakumar
S/O. Kuppusamy,
D.No.6/1,
Subramanian Street,
Saraswathy Illam,
Raja Mill Road,
Pollachi,
Coimbatore.

..Appellant(s)

Vs

1. Karthik Shanmugavel
S/o. Shanmugavel Nadukalippan,
D.No.2/84A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore District,
Now residing at S.f.No.52,
Kakkadavu,
Pollachi Taluk,
Coimbatore - 641120.



2. Shanmughavel Nadukaliappan
S/o. Nadukaliappan,
Res. D.No.2/84-A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore Dt.
Now Res. at D.No.128/A3B,
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Coimbatore Dt.
Now Res. at D.No.128/A3B,
Kakkadavu,
Pollachi Tk,
Coimbatore-120.

..Respondent(s)

CMP No. 7405 of 2026

Karthik Shanmugavel
S/o. Shanmugavel Nadukalippan,
D.No.2/84A,
Senkuttaipalayam Road,
Kakkadavu,
Pollachi Taluk,
Coimbatore District,
Now residing at S.f.No.52,
Kakkadavu,
Pollachi Taluk,
Coimbatore - 641120.

..Appellant(s)

Vs

1. K.Selvakumar
S/O. Kuppusamy,
D.No.6/1,



- Subramanian Street,
Saraswathy Illam,
Raja Mill Road,
Pollachi,
Coimbatore.
2. Shanmughavel Nadukaliappan
S/o. Nadukaliappan,
Res. D.No.2/84-A,
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Now Res. at D.No.128/A3B,
Kakkadavu,
Pollachi Tk,
Coimbatore-120.

..Respondent(s)

CRP No. 1574 of 2026

To set aside the Docket order dated 31.10.2025 passed by the Principal Judge of Coimbatore in OS.No.1030/2025 and consequently direct the Learned Principal District Judge, Coimbatore to accept the Written Statement of Petitioner/1st Defendant and pass such further and other orders as this Honble Court.

**CMP No. 8102 of 2026**

To vacate the order dated 16.03.2026 passed in CMP.No.7405 of 2026 in CRP No.1574 of 2026 and pass such other orders deemed fit by this Honble Court.

CMP No. 8108 of 2026

To grant an order to advance the hearing in the subject CRP No.1574 of 2026 from 15.04.2026 to 26.03.2026 or any other earlier date for final disposal so as to enable the Honble Court of Principal District Judge, Coimbatore to dispose of O.S.No.1030 of 2025 by or before 30.04.2026, in terms of the order dated 28.01.2026 passed by this Honble Court in CRP No.1508 of 2025.

CMP No. 7405 of 2026

To stay all the proceedings before the Learned Principal District Judge, Coimbatore in OS.No.1030/2025 and pass such further or other consequential orders as this Honble Court.

CRP No. 1574 of 2026

For Petitioner(s): Mr.O.Solaiappan

For Respondent(s): Mr.Bharadwajaramasubramaniam R

ORDER

This Civil Revision Petition has been filed to set aside the Docket order dated 31.10.2025 passed by the Principal Judge of Coimbatore, in O.S.No.1030 of 2025 and consequently direct the learned Principal District Judge, Coimbatore to accept the Written Statement of the Petitioner/1st Defendant.



2. The learned counsel for the petitioner would submit that pending the Trial, the petitioner/1st defendant entered appearance on 04.09.2025 and filed written statement on 10.10.2025. When the matter was taken up on 10.10.2025 for hearing, the Written statement filed by the petitioner/defendant was returned stating that it had been belatedly filed and 1st defendant/petitioner herein was set ex parte since he was called absent. He has further submitted that this Court already by order dated 28.07.2025 in CRP No.1508 of 2025 directed the plaintiff/1st respondent herein to represent the suit before the Trial Court on or before 18.08.2025 and the defendants including the petitioner herein, to file written statement within a month thereof and further directed to dispose of the case within a period of 4 months. Further, this Court granted one week time extension to the plaintiff/1st respondent herein to file the plaint and also directed the Trial Court to dispose the main case by 30.04.2026 by order dated 07.08.2025 and 28.01.2026 respectively in CRP No.1508 of 2025.

3. It has been further submitted that under such circumstances, the former counsel has failed to file the Written statement within the prescribed period, the petitioner gave a change of Vakalat 02.03.2026 and even the petitioner attempted to file application to set aside the ex-parte order, on account of the advance stage of the suit, it was not taken up. If the ex-parte order dated 31.10.2025 is not set aside, the petitioner will be put to grave and irreparable



injury. Hence, he seeks to set aside the aforesaid ex-parte order passed by the Trial Court and his Written Statement may be taken on file of the Trial Court to defense the case in the suit.

4. The learned counsel for the respondent objecting strongly would submit that even though the 1st defendant/petitioner herein was granted sufficient time to file his written statement, he failed to file his Written Statement within a prescribed period. Further, the Written Statement was filed belatedly at the stage of arguments, it has been returned and since no representation on the side of the 1st defendant during the hearing on 31.10.2025, the Trial court set him as ex-parte. Hence, the Civil Revision petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it is seen that the petitioner being the 1st defendant seeks to file his written statement to defense the case on his side. Due to lack of communication between the petitioner and his earlier counsel, the Written statement has been filed belatedly after changing of Vakalat. Further, the suit has to be decided after hearing both sides in the manner known to law and the suit cannot be decided on hearing one side without giving sufficient opportunity to the other side. Hence, this Court is inclined to give one more opportunity to the 1st defendant/petitioner herein to file his Written statement to



defense his case on condition of payment of cost of Rs.1,000/- to the plaintiff/1st respondent herein thereby the ex-parte order dated 31.10.2025 passed by the Trial Court stands set aside.

7. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, the Trial Court is hereby directed to dispose the main case in O.S. No.1030 of 2025 within a period of four months from the date of receipt of copy of this order.

8. With the aforesaid directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27-03-2026

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

Lbm
To

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T.V.THAMILSELVI J.

Lbm

Now Res. at D.No.128/A3B,
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