



WEB COPY

CRP No. 2717 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

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

CRP No. 2717 of 2026

AND

CMP NO. 11335 OF 2026

1. Ramu alias Ramasamy
S/o Elumalai Naicker,
Res at No 2/658,
3rd Street,
Perumbakkam
Forest Housing Board,
Tambaram Tk,
Chengalpattu Dist.
2. Kala
W/o Ramu @ Ramasamy
Res at No 2/658,
3rd Street,
Perumbakkam
Forest Housing Board,
Tambaram Tk,
Chengalpattu Dist.

..Petitioner(s)

Vs

Arumuga Naicker
S/o Angusamy Naicker,
No 120,
Perundhuravu Village,
Cheyyur Tk,
Chengalpattu Dist.

..Respondent(s)

CMP No. 11335 of 2026

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Chengalpattu Dist.

..Appellant(s)

Vs

Arumuga Naicker
S/o Angusamy Naicker,
No 120,
Perundhuravu Village,
Cheyyur Tk,
Chengalpattu Dist.

..Respondent(s)

CRP No. 2717 of 2026

To set aside the order passed in IA.No.1/2026 in OS.No. 232/2025 dated 4.3.2026 by the Learned Subordinate Judge at Madhuranthakam and consequently direct the trial court to afford an opportunity to the petitioners to file written statement and contest the suit on merits and pass such further or other orders as this Honble Court.

CMP No. 11335 of 2026

To stay all further proceedings in IA.No.1/2026 in OS.No. 232/2025 dated 4.3.2026 passed by learned Subordinate Judge, Maduranthagam pending disposal of the above CRP.

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For Petitioner(s): MR.G.Ilamurugu



For Respondent(s):

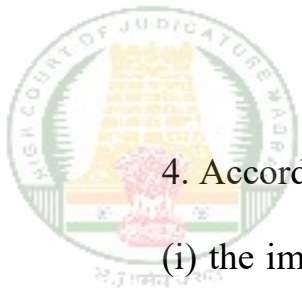
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Order

Challenging the order passed by the learned Trial Judge in I.A. No. 1 of 2026 in O.S. No. 232 of 2025, whereby the petition filed by the defendant seeking adjournment came to be dismissed and, consequentially, the defendant was set ex parte for not filing written statement and the suit was posted for ex parte evidence, the present Civil Revision Petition has been filed.

2. The learned counsel for the petitioner would submit that the defendant required certain documents for the purpose of filing an effective written statement and, therefore, had sought adjournment before the trial Court. However, without properly considering the said request, the trial Court dismissed the application and proceeded to set the defendant ex parte. It is contended that the defendant is entitled to put forth his defence along with relevant materials and reasonable opportunity ought to have been granted.

3. Considering the submissions and the materials placed on record, this Court is of the view that an opportunity ought to be afforded to the defendant to file written statement, so as to enable adjudication of the suit on merits.



4. Accordingly ,

(i) the impugned order passed by the learned Trial Judge in I.A. No. 1 of 2026 in O.S.No. 232 of 2025 is set aside.

(ii) The defendant is permitted to file written statement within a period of eight (8) weeks from the date of receipt of a copy of this order.

(iii) It is also brought to the notice of this Court that in C.R.P. No. 2086 of 2026, further proceedings in the suit have already been stayed by this Court. The present order shall be subject to the said order of stay.

(iv) No costs.

(vi) The connected miscellaneous petition is closed.

With the above directions, this Civil Revision Petition stands disposed of.

29-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

JRS



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To
The Subordinate Judge at Madhuranthakam

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T.V.THAMILSELVI J.

JRS

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