



C.R.P.No. 2104 of 2025

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C.R.P.No. 2104 of 2025

T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for revision petitioner and the respondents1 and 2.

2.The learned counsel for revision petitioner submitted that this court by an order dated 25.03.2026 allowed the Civil Revision Petition. However, he would submit that there is no time limit fixed to dispose the case in the order passed by this court. Hence, he prayed to fix the time limit to dispose the case and issue fresh order copy.

3. Heard the contentions made on either side and perused the order.

4. Considering both side submissions, at the end of para 6 of the order, the words viz., “**Four months time granted to the trial judge to complete the trial and dispose the case from the date of receipt of copy of this order.**” shall be added.



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02.04.2026

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02.04.2026



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C.R.P.No. 2104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

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

CRP No. 2104 of 2025

AND

CMP NO. 12248 OF 2025

Sundaram
S/o Late Manickam,
Paruthikadu Village, Salem Taluk,
Salem District

..Petitioner(s)

Vs

1. Sivakumar
S/o Ramachandran,
Door No.109/145, Poonamallee High Road,
Velappanchavadi Chennai
2. Sivaprakasam
S/o Raj,
Door No.995, 10th Street, Ashok Nagar,
Chennai

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order passed in IA.No. 4 of 2024 in OS.No. 409 of 2021 on the file of the Principal District Munsif, Salem dated 04.12.2024.



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For Petitioner(s):

Mr.Charles Kamalesh M.Appaji

For Respondent(s):

Mrs.Elezabeth Ravi for R1 and R2

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ORDER

Challenging the impugned order passed in I.A.No.4 of 2024 in O.S.No.409 of 2021 by the learned Principal District Munsif, Salem, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioner filed an application under Order 8 Rule 9 of C.P.C. to receive the reply statement, which was denied by the trial court. Aggrieved over that, he preferred this Civil Revision Petition.

3. The learned counsel for revision petitioner would submit that due to oversight, the learned counsel for plaintiff omitted to file reply statement for the defence alleged by the defendants in the written statement and only at the time of trial, he came to know the said defence. Therefore, he approached the court seeking permission to file reply statement, but it was denied. However, the reason for the delay is neither wilful nor wanton. Hence, he prayed to set aside the findings of trial judge.



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4.The learned counsel for respondents/defendants raised objections

stating that now the trial has begun. He would further submit that after two years from the date of written statement, the plaintiff came forward with the said application that too after closure of P.W.1 evidence as such is not acceptable one. 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. Admittedly, the revision petitioner being the plaintiff, filed the suit for declaration and now the trial has also commenced. Furthermore, the fact reveals that the plaintiff wanted to file reply statement disputing the defence taken by the defendants as stated in their written statement, but however, it was not filed immediately after the filing of written statement, wherein there is a delay of 3 years as rightly stated by the learned counsel for respondents. So, due opportunity is to be given to file reply statement, which is just and necessary, since the suit was filed for the relief of declaration. If opportunity is not given, his valuable right to defend the case will be defeated. Considering that, this court is inclined to



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set aside the findings rendered in I.A.No.4 of 2024 in O.S.No.409 of 2021

by the Principal District Munsif, Salem. Accordingly, this Civil Revision
Petition is allowed. Both the parties are directed to cooperate with the
trial proceedings. No costs. Consequently, connected civil miscellaneous
petition is closed.

25-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Principal District Munsif, Salem.



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T.V.THAMILSELVI J.

RPP

**CRP No. 2104 of 2025
AND
CMP NO. 12248 OF 2025**

25-03-2026