



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3129 of 2026

AND

CMP NO. 13599 OF 2026

1. Selvaraj
S/o.Perumal, Moongilpadi Village,
Omalur taluk, Salem District.

2. Rani
W/o.Selvaraj, Moongilpadi Village,
Omalur taluk, Salem District.

Petitioner(s)

Vs

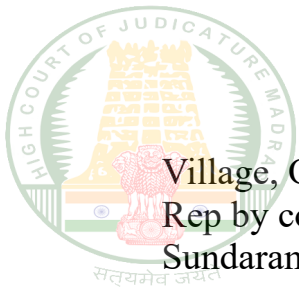
1. Sampooranam
W/o.Vadivelu, Thenkkampatty Village,
Vattakadu Post, Omalur Taluk, Salem
District.

2.Sankara
W/o.Marimuthu, Senaigoundanoor,
Moongilpadi Village and Post, Omalur
taluk, Salem District.

3.Vellaiammal
W/o.Ramasamy, Vattakaadu,
Thathaiyangarpatty Village, Omalur
taluk, Salem District. Kandayee (Died)

4.Minor Prakash
S/o Selvaraj, Res at Moongilpadi
Village, Omalur taluk, Salem District.
Rep by court guardian K.Meenakshi
Sundaram

5.Minor Vinoth Kumar
S/o Selvaraj, Res at Moongilpadi



Village, Omalur taluk, Salem District.
Rep by court guardian K.Meenakshi
Sundaram

6.The Village Administrative Officer,
Moongilpadi Village, Omalur taluk,
Salem District.

7.The Tahsildar
Omalur taluk, Salem District.

8.The Revenue Divisional Officer
Mettur, Salem District.

9.The District Collector
Salem, Salem Dt

Respondent(s)

CRP No. 3129 of 2026

PRAYER

To set aside the Docket Order dated 13.03.2026 in Un-numbered IA.No.3103/2025 in OS.No.119/2014 on the file of District Munsif Court at Omalur, Salem District and Direct the District Munsif Court at Omalur to number the petition in Un-numbered IA.No.3103/2025 in OS.No.119/2014 on the file of District Munsif Court at Omalur, Salem.

CRP No. 3129 of 2026

For Petitioner(s): Mr..K.Prabhakaran

For R6 to R9 Ms. S. Yogalakshmi, AGP.

ORDER

This Civil Revision Petition has been filed seeking to set aside the Docket Order dated 13.03.2026 in Un-numbered IA.No.3103/2025 in OS.No.119/2014 on the file of District Munsif Court at Omalur, and Direct the District Munsif Court at Omalur to number the petition in Un-numbered IA.No.3103/2025 in



OS.No.119/2014 on the file of District Munsif Court at Omalur.

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2. The petitioner herein filed Un-numbered IA.No.3103/2025 in OS.No.119/2014 on the file of District Munsif Court at Omalur seeking to condone the delay of 33 days in filing the petition to set aside the exparte decree dated 12.09.2025 passed in OS No. 119 of 2014. However, the Trial court returned the application stating that the judgement has been passed after hearing both sides and as against the said judgement only appeal is to be filed. It is further stated the said application is not maintainable. Aggrieved over the same, the petitioners filed this Civil Revision Petition.

3. The learned counsel for the petitioner submits that the petitioners are contesting parties, due to Covid pandemic the petitioners were not able to proceed with the suit. None of the petitioners adduced any evidence. On the side of the respondents/plaintiffs marked 9 documents the Court below passed the judgement on merits. Hence, the petitioners filed the application to condone the delay of 33 days in filing the petition to set aside the exparte decree dated 12.09.2025 in OS No. 119 of 2014 but the Trial Court without considering the above facts, the Trial Court failed to take the case on file stating that judgement has been passed after hearing both sides and as against the said judgement only appeal is to be filed. Hence, he prays to allow this Civil Revision Petition.



4. On perusal of the records, the fact reveals that the respondents/plaintiffs are sisters of petitioner/defendant filed to declare the gift settlement cancellation deed and gift settlement deed dated 14.09.2012 as null and void and sale deed dated 04.10.2010 as null and void, and to delete the name of the defendants 3 & 4 from the patta along with other consequential relief.

5. At the time of Trial, Guardian appointed by the Court for minor defendants 3 & 4 was appeared and filed written statement and not adduced any evidence. 7th defendant alone filed the written statement which was adopted by the 6th 8th and 9th defendants, who are Government Authorities. But the Trial Court framed issue and decreed the suit. Based on the decree, the plaintiff/respondents attempted to transfer the patta, at this stage the petitioners/contesting defendant came to know about the exparte decree. Immediately, they filed the application to condone the delay of 33 days in filing the petition to set aside the exparte decree but the Trial Court failed to take the case on file. Challenged the decree passed on merits and not exparte decree.

6. On perusal of the records, the fact reveals that the Trial judge passed the judgement based on the evidence adduced by the plaintiff, and simply relying on the written statement of the defendants the Trial Court adjudicated the issue which clearly implies that without any evidence the Trial Court passed the judgement as such is not permissible under law. If, any material document adduced on the side of the parties who filed written statement, the Trial Court



ought to have decided the issue based on the evidence of parties. On the other hand, based on the written statement filed by the Government officials the Trial Court granted decree as its reflects that it is a exparte decree. The reason assigned by the petitioner is justifiable. The Trial Court is directed to take the case on file and number the application and proceed the matter after issuing notice to the parties. Accordingly, this Civil Revision Petition is allowed. No Costs. Pending petition, if any, is closed.

08-06-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif Court at Omalur.
2. The Section Officer, V. R Section, High Court, Madras.



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CRP No. 3129 of 2026



T.V.THAMILSELVI J.
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