



WEB COPY

CRP No. 3088 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-05-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CRP No. 3088 of 2026

AND

CMP NO. 13296 OF 2026

1. V.Gurusamy

2. Rameswari

..Petitioner(s)

Vs

1. C.Mahendran

2. Gomathi

..Respondent(s)

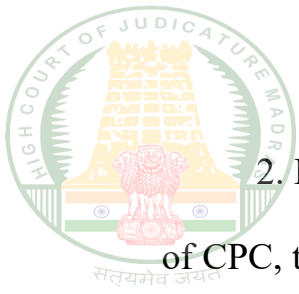
PRAYER: This petition has been filed seeking to set aside the fair and decreetal order dated 28.04.2026 passed in I.A.No.5 of 2026 in O.S.No.126 of 2025, on the file of the Additional District Munsif Court, Pollachi, as erroneous and unjustifiable and thereby allow the above civil revision petition.

For Petitioner(s): Mr.R.Arunkumar

For Respondent(s): No appearance

ORDER

After the suit had been reserved for judgment, an application was filed under Order IX Rule VII of the Code of Civil Procedure.



2. For the purpose of maintaining an application under Order IX Rule VII of CPC, the suit should be adjourned for the purpose of 'hearing'. Once the suit is reserved for judgment, there is no question of hearing. Applying this logic, the learned trial Judge dismissed the application as not maintainable.

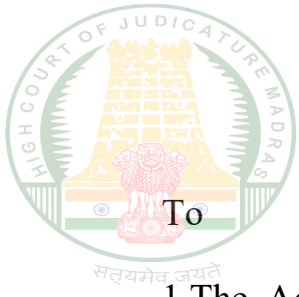
3. I do not find any error in the order passed by the learned trial Judge. He has merely applied the judgment of the Supreme Court in *Arjun Singh Vs. Mohindra Kumar & Others* [AIR 1964 Supreme Court 993]. However, what the learned trial Judge has not done, is granting liberty to the petitioners to move an application under Order IX Rule 13, if the suit is decreed ex-parte. Hence, the dismissal of the application and this revision will not stand in the way of the petitioners to move an application under Order IX Rule 13 of Code of Civil Procedure, to get the ex-parte decree, if so passed, set aside.

4. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29-05-2026

Neutral Citation: Yes/No

DN



To

1. The Additional District Munsif Court
Pollachi.

2. The Section Officer
VR Section
High Court of Madras.



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V.LAKSHMINARAYANAN J.

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