



C.R.P.No.3004 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3004 of 2025
and C.M.P.No.16864 of 2025

Lourdhu Mary (Died)

1.Jothidas

2.Regina Mary

3.Thirugnana Mary

4.Arulanantham

5.Nimilesh Rayar

6.Arockiyaselvi

7.Immanuel

8.Jalinraj

9.Chinnapparaj

10.Retchagar

11.Bio Benedic

12.Frankling Gnanaprakasam

... Petitioners

vs.

1.Stephen



C.R.P.No.3004 of 2025

2. Josephine Mary

3. Sahayaraj

4. Edwin Raj

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order of the learned Principal Subordinate Judge, Virudhachalam passed in I.A.No.1 of 2024 in O.S.No.467 of 2023, dated 24.03.2025.

For Petitioners : Mr.J.Antony Jesus

For R1 to R4 : Mr.S.Vijayakumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Principal Subordinate Judge, Virudhachalam in I.A.No.1 of 2024 in O.S.No.467 of 2023, dated 24.03.2025 allowing the application filed by the respondents 1 to 4 seeking to set aside the *exparte* order dated 15.03.2024 passed against them.

2. The petitioners 1 to 9/plaintiffs filed a suit for partition against the respondents. Owing to non-appearance of respondents, an *exparte* order was passed against them on 15.03.2024. Thereafter, the respondents filed the instant application on 04.12.2024 seeking to set aside the *exparte* order and the same was allowed by the Trial Court and aggrieved by the same, the petitioners have come before this Court.



3. The learned counsel appearing for the petitioners would submit that the Trial Court has not given any acceptable reason to set aside the *exparte* order and therefore, the impugned order is liable to be set aside.

4. A perusal of the affidavit filed by the respondents in support of the application seeking to set aside the *exparte* order would indicate that the 1st respondent was in-charge of conducting case on behalf of the other respondents. He was unable to file written statement in the main case on 15.03.2024 due to his illness and his inability to collect necessary documents for the purpose of filing written statement.

5. Therefore, it is clear the 1st respondent was in-charge of conducting the case on behalf of other respondents and on the relevant date, the 1st respondent was suffering from illness due to his age and hence, he was prevented from giving suitable instructions to his counsel to prepare written statement.

6. Accepting the reason assigned by the 1st respondent, the Trial Court exercised its discretion and set aside the *exparte* order in order to given an opportunity to the respondents to conduct the suit for partition on merits. Therefore, I do not find any error in the impugned order.



C.R.P.No.3004 of 2025

7. Having regard to the fact that the suit is for partition and the respondents have given illness of 1st respondent as a reason for his failure to file written statement, this Court also finds no reason to interfere with the impugned order passed by the Principal Subordinate Judge, Virudhachalam in I.A.No.1 of 2024 in O.S.No.467 of 2023, dated 24.03.2025.

8. It is stated by the learned counsel appearing for the respondents that the written statement of the respondents was filed along with I.A.No.1 of 2024 and the same is also included in the typed-set of papers. Since the suit was of the year 2023 and pleadings of the parties are also completed, this Court is inclined to direct the Principal Subordinate Court, Virudhachalam to dispose of the suit in O.S.No.467 of 2023, as expeditiously as possible.

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

25.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



C.R.P.No.3004 of 2025

To

The Principal Subordinate Court,
Virudhachalam



WEB COPY



C.R.P.No.3004 of 2025

S.SOUNTHAR, J.

dm

C.R.P.No.3004 of 2025

25.02.2026