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CRP No. 3326 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**C.R.P. No. 3326 of 2025
and C.M.P.No.18343 of 2025**

1. Clara
2. Jacintha
3. Louis
4. Regina Cecila
5. Sophiya Irudaya Mary Prema

..Petitioner(s)

Vs.

1. C. L.Selvaraj
2. O.S. Josphine
3. C.S. Santhosh Raj
4. Pauline
5. Mary Josephine
6. Anthony Paul
7. C.J.Augustin
8. The Sub Registrar,
Perambakkam Registrar Office, Perambakkam.
9. The District Collector,
Thiruvallur District.
10. The Revenue Divisional Officer,
Thiruvallur Taluk, Thiruvallur District.



11. The Tahsildar,
Thiruvallur Taluk, Thiruvallur District.

12. Catherine Arulmary Shyamala

13. Vimala Sagayamary

14. Rita Amalamary

15. Jovitha Nisha

16. A. Lawrance

17. Lancy Philo

18. C.A. Sathish

19. Lilly Mary

..Respondent(s)

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 28.02.2025 passed in I.A.No.10 of 2024 in O.S.No.229 of 2010 by the Principal District Munsif Judge, Thiruvallur, and allow I.A.No.10 of 2024 in its entirety and restore the petitioners (D4 to D8) to their original position in the suit.

For Petitioner(s): Mr. S. Santhoshkumar

For Respondent(s): Mr. S. Mukunth, Senior Advocate

for M/s. Hari Shankar Mani for R1 to R3

Mr.N.Muthuvel, Govt.Adv. For R8 to R11

Mr.R. Rajaram

for R5, R6, R12 to R15, R17 and R19



ORDER

This Civil Revision Petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioners seeking to set aside the exparte order passed against them.

2. The respondents 1 to 3 herein filed a suit seeking declaration of 2nd respondent's title over the suit C schedule property and for consequential injunction. They also sought for declaration of title of 3rd respondent's title over the B schedule property and for consequential injunction. The petitioners, who were arrayed as defendants 4 to 8 and 1st defendant in the suit, were set exparte for their non appearance and for non filing of written statement. Therefore, the petitioners and the 1st defendant filed an application seeking to set aside the exparte order passed against them. The affidavit in support of the petition was sworn by the first defendant. In the said affidavit, it was stated by her that due to health issue, she could not contact his counsel and instruct him suitably and hence, exparte order was passed against her and other petitioners. She also stated in the affidavit that she had sworn the affidavit on behalf of herself and also on behalf of petitioners/defendants 4 to 8. The Trial Court allowed the application only in respect of the first defendant and dismissed the application, in so far as the petitioners are concerned, on the ground that no reason has been stated for the failure of the petitioners to appear before the Trial Court. Aggrieved by the same, the petitioners have come before this court.



3. The learned counsel for the petitioners would contend that the petitioners entrusted the matter to the first defendant and she was in charge of prosecuting the case. Due to her ill health, she could not contact their counsel and give suitable instructions. According to the counsel for the petitioners, the trial court, without appreciating the fact that the first defendant was in charge of prosecuting the case, erroneously dismissed the petition.

4. The learned Senior Counsel appearing for the contesting respondents 1 to 3/defendants would submit that in the affidavit filed by the petitioners no reason was assigned for setting aside the exparte order passed against them and hence, the Trial court rightly dismissed the application as far as the petitioners are concerned.

5. A perusal of the Affidavit filed by the first defendant in support of the petition seeking to set aside the exparte order would indicate that she filed the affidavit not only for herself but also on behalf of the petitioners. Therefore, it is clear that she has conducted the case on behalf of the petitioners also. Hence, she filed the sworn affidavit on behalf of the petitioners also. The suit is for declaration of title and injunction. Having regard to the fact that title dispute is involved in the suit and the sworn affidavit was filed by the first defendant on behalf of herself and on behalf of petitioners, this court feels that an opportunity shall be given to the petitioners to contest the case. Therefore, the impugned order passed by the Trial Court is liable to be set aside, in so far as the dismissal



of the application against the petitioners herein is concerned, however by imposing costs.

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6. Accordingly, this civil revision petition is allowed on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees ten thousand) as costs to the respondents 1 to 3, within a period of three weeks from the date of receipt of copy of this order. In case of default, the revision shall stand automatically dismissed without further reference to the court. Taking into consideration that the suit was of the year 2010 and the same is still in the stage of PW1 cross, this court is inclined to direct the trial court to dispose of the suit as expeditiously as possible. The petitioners shall extend their full cooperation for earlier disposal of the suit. Connected miscellaneous petition is closed.

20-02-2026

Index: Yes/No
Speaking/non Speaking order
Neutral Citation: Yes/No
MST

To

The Principal District Munsif Judge, Thiruvallur,



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S.SOUNTHAR, J.

MST

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