



WEB COPY

CRP No. 975 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 975 of 2026

Veeratiswaran

Petitioner(s)

Vs

Meenalojini

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decree dated 25.02.2025 made in C.M.A.No.4/2018 passed by the District Court, Karaikkal, confirming the order dated 06.02.2018 made in I.A.No.12 of 2017 in A.S.No.3 of 2016, passed by the Sub Court, Karaikkal and thus render justice.

For Petitioner(s): Mr.B.Jawahar

ORDER

Heard Mr.B.Jawahar, learned counsel for the petitioner.

2. The petitioner as a plaintiff filed a Suit in O.S.No.197 of 1999 on the file of Principal District Munsif Court, Karaikkal, seeking damage of Rs.13,000/-. The said suit was dismissed. Aggrieved by the judgment and decree passed by the trial Court, the petitioner had preferred A.S.No.3 of 2016 before the Sub Court, Karaikal. However, the said appeal was dismissed for



default due to non-appearance of the petitioner. Therefore, the petitioner had invoked Order XLI Rule 19 CPC and filed I.A.No.12 of 2017, seeking re-admission of the appeal and the said Court had dismissed the application. Challenging the same, the petitioner preferred an appeal under Order XLIII Rule 1(t) CPC. The Civil Miscellaneous Appeal was taken on file and assigned number viz., C.M.A.No.4 of 2018 on the file of the District Court, Karaikal. However, thereafter strangely *suo motu*, the District Court, Karaikal vide order dated 25.02.2025, had dismissed the Civil Miscellaneous Appeal as not maintainable, holding that the petitioner ought to have been preferred an appeal before this Court under Section 106 CPC. However, he would also bring to my notice that the value of the appeal is only Rs.13,000/- which is less than Rs.25,000/- and the second appeal would also not lie and in that case, only the civil revision petition would lie before this Court. However, the order under challenge is an order, refusing to re-admit an appeal under Order XLI Rule 19 CPC, which is specifically appealable under Order XLIII Rule 1(t) CPC.

3. In the light of the above, I am in the entire agreement with the argument of the learned counsel for the petitioner that the Civil Miscellaneous Appeal was only the course open to the petitioner and could not have approached this Court as observed by the Learned District Judge. In any event, having entertained the Civil Miscellaneous Appeal



and taken it on file and assigned number viz., C.M.A.No.4 of 2018, the District Court, Karaikal ought not to have *suo motu* thereafter dismissed the same is not maintainable. The District Court, Karaikal is the Competent Court to hear the appeal under Order XLIII Rule 1(t) CPC and erroneous assumption that the District Court, Karaikal, does not have jurisdiction is incorrect and the same is liable to be set aside.

4. In the light of the foregoing reasons, I am inclined to set-aside the order, dated 25.02.2025 passed by the District Court, Karaikal. The District Court, Karaikal shall restore the Civil Miscellaneous Appeal viz., C.M.A.No.4 of 2018 to its file and after hearing the respondent shall dispose of the appeal on merits and in accordance with law.

5. With the above observation and direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

24-02-2026

Jd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To
The District Court, Karaikkal.



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P.B.BALAJI J.
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