



WEB COPY

CRP No. 4751 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4751 of 2025

AND

CMP NO. 23978 OF 2025

1. Jerome Royappan
S/o. M.S.Royappan,
No. 15, 4th Block, 4th Main road,
Kottur garden, Chennai-85.
2. Alexander Royappan
S/o. M.S.Royappan,
No. 15, 4th Block, 4th Main road,
Kottur garden, Chennai-85.

..Petitioner(s)

Vs

1. Martin Selvam
S/o. Late Dr.Edward Tamarai Selvam,
No. 19, Valliammal Street,
Kilpauk, Chennai-10.
2. The Secretary to Government
Home Department, Fort St.George, Chennai-09.
3. The Director General of Police,
Mylapore Chennai.
4. The Superintendent of Police
Tiruvarur.
5. The Inspector of Police
Land Grabbing Unit / District Crime Branch,
Tiruvarur District.
6. The Inspector of Police
Nannilam Police Station, Tiruvarur District.



7. The Inspector of Police
Tiruvarur Town Police Station,
Tiruvarur District.

8. The District Collector
Tiruvarur, Tiruvarur District.

9. The Tahsildar
Nannilam Taluk, Tiruvarur District.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 04.09.2025 in IA No. 5 of 2025 in OS No. 8118 of 2019 on the file of the Court of the learned XV Additional Judge, City Civil Court, Chennai.

For Petitioner(s): Mr.M.Sivavarthanan

For Respondent(s): Ms.Reena Mohanasundaram
for M/s.Devadason & Sagar (firm) for R1

Mr.V.Ramesh
Government Advocate for R2 to R9

ORDER

Challenging the impugned order 04.09.2025 in IA No. 5 of 2025 in OS No. 8118 of 2019 on the file of the Court of the learned XV Additional Judge, City Civil Court, Chennai, the defendants 9 & 10 have preferred this revision.

2. The defendants 9 & 10 have filed an application before the trial court to set aside an *ex parte* order dated 11.01.2023 which was dismissed by the



trial judge stating that they have not stated proper reason for their absence on that day and the reason submitted also not been acceptable one and accordingly, it was dismissed. Aggrieved over the same, the defendants 9 & 10 have preferred this revision petition.

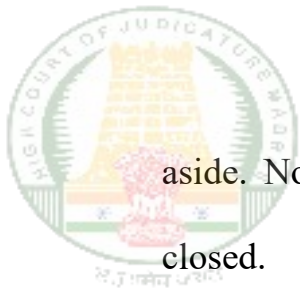
3. The learned counsel for the revision petitioners submits that the revision petitioners are more than 75 years old and all were relatives to the plaintiffs and due to some property dispute between them, the respondents / plaintiffs have come forward with the suit for damages. Though they appeared through counsel but due to lack of communications from the trial court counsel they were not able to appear or nor give instructions to file written statement, since they were aged about more than 70 years and they were set *ex parte*. Thereafter, they came to know about the said *ex parte* order, but before that they filed application in IA No.2 of 2021 to reject the plaint, which was dismissed as their counsel, due to personal inconvenience, was not able to give proper instructions. But however they are having valid defence to prove the case but no opportunity was given before the trial court. Therefore, they prayed to set aside the order passed by the trial judge.

4. But the court has not accepted the reason stating that they were aware of the entire proceedings and purposely they evaded the proceedings and not appeared before the court. On seeing the facts it reflects that the defendants 9 &



10 are the close relatives of the plaintiffs and all were aged about more than 70 years, against whom and other defendants and government officials the plaintiffs filed a suit for damages claiming Rs.50,00,000/-. In the meanwhile, there is a complaint given by these revision petitioners against the plaintiffs. It also reflects that there was a criminal complaint between the parties, wherein final report filed and ended in acquittal. Therefore, if opportunity was not given to the parties, valuable right to defend the case will be defeated. It also taken note that other defendants and government officials, the defendants 1 to 8 also remains ex parte, however the Government Pleader who is appearing on behalf of the other respondents also informed this Court that they would take care of the procedure before the trial court by giving proper instructions. In the case of defamation and the damages, all the parties should be given a fair opportunity to prove their defence under the scheme lead to miscarriage of justice. Therefore, the findings of the trial court is set aside. The parties are directed to file written statement before the trial court and cooperate for the trial proceedings and the Government Pleader is also directed to follow the proceedings before the trial court. The trial court is directed to dispose of the case within a period of five months from the date of receipt of a copy of this order on hearing both sides.

5. Accordingly, this Civil Revision Petition is allowed. The impugned order 04.09.2025 in IA No. 5 of 2025 in OS No. 8118 of 2019 on the file of the Court of the learned XV Additional Judge, City Civil Court, Chennai, is set



aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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24-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

1. The Secretary to Government
Home Department, Fort S.George, Chennai-09.
2. The Director General of Police,
Mylapore Chennai
3. The Superintendent of Police
Tiruvarur
4. The Inspector of Police
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T.V.THAMILSELVI J.

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