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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7021 of 2026
and CMP No. 30201 of 2026

CNR: {HCMA012549262026}

Case QR

1.A.P. Muthukumaran
S/o.Perumal
Vijayalakshmi Nagar,
Koothapakkam,
Cuddalore

2.P.Sheela

..Petitioner(s)

Vs

Palanivel (died)

1. Kalaiselvi
   W/o.Palanivel,
   Thondamanatham Village,
   Subramaniyapuram Post,
   Cuddalore TK

2. Kokiladevi
   D/o.Palanivel, Thondamanatham Village,
   Subramaniyapuram Post,
   Cuddalore TK

3. Vinayagamoorthikalaiselvi
   S/o.Palanivel, Thondamanatham Village,
   Subramaniyapuram Post,
   Cuddalore TK

4. Minor Chinnathambi
   S/o.Palanivel, Thondamanatham Village,
   Subramaniyapuram Post,
   Cuddalore TK
   Rep by Mother/Guardian Kalaiselvi

..Respondent(s)

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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order of the I Additional Subordinate Court at Cuddalore, dated 07.07.2026 made in I.A.No.63 of 2026 in OS.No.152 of 2024.

For Petitioner(s): Mr.S.M.Sshriram Narayanan

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order dated 07.07.2026 passed in I.A.No.63 of 2026 in OS.No.152 of 2024 on the file of the I Additional Subordinate Court at Cuddalore, wherein the application filed by the petitioners/defendants 2 and 4 under Order IX Rule 7 to set aside the ex-parte order came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioners and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The respondents 1 to 4 are the plaintiffs, who filed the suit in O.S.No.152 of 2024 seeking for the relief of declaration of title, permanent injunction and other consequential reliefs. The petitioners, who are defendants 2 and 4, were set ex-parte on 28.11.2025. Hence, I.A.No.63 of 2026 was filed by the petitioners under Order IX Rule 7 to set aside the ex-parte order. The Court

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below dismissed the application on the ground that even at the time of filing the present application, after nearly 420 days, the written statement had not been filed and therefore, the Court below was not inclined to entertain the application. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

4.When the matter was taken up for hearing today, the learned counsel for the petitioners submitted that the written statement was ready and a copy of the written statement was also produced before this Court and hence, the learned counsel requested this Court to direct the Court below to set aside the ex-parte order and allow the petitioners to contest the suit on merits.

5.The Court below has dismissed the application to set aside the ex-parte order mainly on the ground that the written statement was not filed along with the application. Now that the written statement is ready and the petitioners/defendants 2 and 4 will file the written statement before the Court below and considering the nature of relief that has been sought for by the plaintiffs, this Court is inclined to give an opportunity to the petitioners to contest the suit on merits.

6.In view of the above, the petitioners/defendants 2 and 4 are directed to file a formal application before the Court below to set aside the ex-parte order,

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along with the written statement. The Court below shall entertain the same and allow the application on terms by imposing some reasonable costs. Thereafter, on payment of costs, the Court below shall permit the petitioners to contest the suit on merits and dispose of the suit, as expeditiously as possible.

7.In the rest, this Civil Revision Petition stands disposed of in the above terms. No Costs. Consequently, the connected miscellaneous petition is closed.

10-11-2026

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

SSR

Note: Issue Order Copy on 12.11.2026

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To

The I Additional Subordinate Court at Cuddalore.

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N.ANAND VENKATESH, J.

SSR

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