



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP Nos. 5728 and 5729 of 2025
and CMP No.28532 and 28533 of 2025**

1. V.J.Ravichandran,
S/o.Late.V.S.Jagannathan, Old No.3, New
No.7, Vijaya Vigneshwarar Koil Lane,
Choolai, Chennai -600 112.

Petitioner in both the revisions

Vs

1. K.Y.Shakila,
W/o.K.S.Yuvaraj and D/o.Late
V.S.Jagannathan, Old No.18, New No.35,
D.Block, Chozhan Street,
M.M.D.A.Colony, Arumbakkam, Chennai
-600 106.

Respondent in both the revisions

Civil Revision Petitions filed under Section 115 of Civil Procedure Code, 1908 against the fair and decretal order dated 08.10.2025 passed in I.A.Nos.5 and 6 of 2025 in O.S.No.2612 of 2022 by XVIII Additional City Civil Court, Chennai.

For Petitioner(s): S.Yoganantham
For Respondent(s): M/s.J.Ram Kumar

COMMON ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the petitioner.



T.V.THAMILSELVAM

Lbm

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2. It is brought to the notice of this Court that some error has been crept in paragraph No.7 of the order dated 06.04.2026. The said paragraph No.7 is to be replaced as follows:

" 7. In the light of the above, this Court is inclined to set aside the order passed by the trial Court in I.A.Nos.5 and 6 of 2025 by allowing the said applications. Accordingly, the delay is condoned and I.A.Nos.5 and 6 of 2025 are allowed. Further, the trial court is directed to dispose of the suit in O.S.No.2612 of 2022 on merits and in accordance with law within a period of three months from the date of receipt of copy of this order."

3. Registry is directed to correct the paragraph No.7 as stated above and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 06.04.2026 shall remain unaltered.

21.04.2026

Lbm

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To:

The XVIII Additional Judge, City Civil Court, Chennai.

Note: Issue the order copy today (ie.22.04.2026)

CRP Nos. 5728 and 5729 of 2025



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For Petitioner(s): S.Yoganantham

For Respondent(s): M/s.J.Ram Kumar

COMMON ORDER

Challenging the order passed in I.A.Nos.5 and 6 of 2025 the defendant in O.S.No.2612 of 2022 preferred the above revisions.



2. Before the trial Court, the defendant filed application in I.A.No.5 of 2025 to condone the delay of 427 days in filing the petition to set aside the exparte preliminary decree dated 10.10.2023 passed in O.S.No.2612 of 2022 and also filed application in I.A.No.6 of 2025 to set aside the exparte preliminary decree dated 10.10.2023 passed in O.S.No.2612 of 2022.

3. Learned counsel for the petitioner submits that after passing of exparte preliminary decree only, the petitioner came to know that his sister filed a suit for partition. Therefore, the petitioner/defendant has taken steps to set aside the exparte preliminary decree along with a petition to condone the delay of 427 days. The trial court dismissed both the applications holding that the no valid reason has been assigned for the delay. Aggrieved over the same, the defendant has preferred the above revisions. Learned counsel for the petitioner further submits that the petitioner was not aware of the suit filed by his sister and exparte preliminary decree was passed on 10.10.2023 and only after filing of final decree application by the respondent, the petitioner came to know about passing of the exparte preliminary decree.

4. Learned counsel for the respondent submits that the petitioner was very well aware of the suit filed by the respondent and in order to drag on the proceedings, the petitioner remained absent and later came forward with an application to condone



the delay and the trial court has rightly dismissed the applications, which require no interference.

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5. Considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. The respondent/plaintiff filed a suit in O.S.No.2612 of 2022 for partition claiming that the suit property is a joint family property and admittedly, the plaintiff is the sister of the respondent/revision petitioner and as on date, based on exparte decree, final decree application is pending. If opportunity is not given to the petitioner/defendant, it will lead to multiplicity of proceedings.

7. In the light of the above, this Court is inclined to set aside the order passed by the trial Court in I.A.Nos.5 and 6 of 2025 by allowing the said applications. Accordingly, the delay is condoned and I.A.Nos.5 and 6 of 2025 are allowed. The revision petitioner/defendant is directed to file written statement and on filing such written statement, the trial court is directed to dispose of the suit in O.S.No.2612 of 2022 on merits and in accordance with law within a period of three months from the date of filing of the written statement.



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T.V.THAMILSELVI,,J

sr

8. In the result, both the civil revision petitions are allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

06.04.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The XVIII Additional Judge, City Civil Court, Chennai

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