



WEB COPY

CRP No. 5834 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

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

**CRP No. 5834 of 2025
and CMP.No.28938 of 2025**

Kanagaraj
S/O. Thangaraj, Surya Complex, Anna Nagar,
Udiyargudi, Kattumannarkovil - 608301.

..Petitioner(s)/plaintiff

Vs

Chelladurai
S/O. Palanisamy, Madura Puliyadi Street,
Kurungudi Village, Kattumannarkovil.

..Respondent(s)/1st
defendant

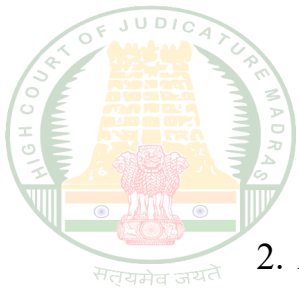
PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order in IA No.1 of 2025 in OS No.33 of 2020 dated 18.07.2023 on the file of District Munsif Cum Judicial Magistrate Court at Kattumannarkovil and thus render justice.

For Petitioner(s):	MR.S.Sathishkumar
For Respondent(s):	MR.S.MOHANASUNDARARAJAN

ORDER

The Civil Revision Petition has been filed seeking to set aside the fair and decreetal order passed in I.A. No.1 of 2025 in O.S. No.33 of 2020, dated 18.07.2023, on the file of the District Munsif-cum-Judicial Magistrate Court, Kattumannarkovil.



2. Aggrieved by the order passed in I.A. No.1 of 2025, the plaintiff has preferred the present revision.

3. Before the Trial Court, the respondent/defendant filed an application to condone the delay of 392 days in filing the petition to set aside the ex parte decree. The same was allowed on payment of costs. Aggrieved by the said order, the present revision has been filed.

4. The learned counsel for the petitioner submitted that the respondent/defendant was fully aware of the suit proceedings and had purposely remained absent. Thereafter, the petitioner initiated E.P. No.5 of 2023 to execute the decree, and only thereafter the respondent come forward with the application. According to the learned counsel, the Court below erroneously allowed the application and, therefore, prayed for setting aside the impugned order.

5. On a perusal of the diary extract relied upon by the petitioner, it is seen that several opportunities had been granted by the Trial Court to file the written statement. The respondent/defendant has explained that due to the death of her father in the family, she was unable to properly follow the proceedings. She has also claimed that she is the absolute owner of the suit property by virtue of



purchase. Therefore, an opportunity ought to be afforded to the respondent to put forth her defence and substantiate her claim. Accordingly, the Trial Court has rightly allowed the application on payment of costs and the said order requires no interference.

6. Considering that the suit is of the year 2020, the Trial Court is directed to dispose of O.S. No.33 of 2020 within a period of four months, after affording sufficient opportunity to both parties. Consequently, I.A. No.2 of 2025 stands allowed and the written statement already filed by the respondent/defendant shall be taken on record.

7. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19-06-2026

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

MPA

To

1. The District Munsif Cum Judicial Magistrate Court, Kattumannarkovil
2. The Section Officer, VR section,
High Court of Madras.



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T.V.THAMILSELVI, J.

MPA

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