



WEB COPY

CRP No. 240 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 240 of 2026 and

CMP No.1077 of 2026

1. M.S. Bakthavatchalam
S/o. M. Subramanian,
Res. at No.9/1, Mundiamman Koil Street,
Erukkan cherry, Chennai - 600 118.
2. Maheshwari
W/o. M.S. Bakthavatchalam,
Res. at No.9/1, Mundiamman Koil Street,
Erukkan cherry, Chennai - 600 118.

..Petitioner(s)

Vs

1. Mangi Devi, W/o. Shelasingh,
Res. at No.7, Nainar Street,
Erukkecherry, Chennai - 600 118.
2. Shelasingh, S/o. Ghhevarji,
Res. at No.7, Nainar Street,
Erukkecherry, Chennai - 600 118.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 19.09.2025 made in IA No.2 of 2025 in OS No.5738 of 2024 on the file of Honble IV Additional City Civil Court at Chennai.

For Petitioner(s): Ms. U.Anunitha



ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court, allowing the application filed by the petitioners under Order IX Rule 7 of CPC to set aside the order, setting them exparte on 23.01.2025.

2. A perusal of the typed set of papers would indicate that the application filed by the petitioners under Order IX Rule 7 of CPC was allowed by the Trial Court on 19.09.2025 on condition that petitioners should pay a cost of Rs.1,000/- to the respondents/plaintiffs on or before 06.10.2025. Subsequently, when the matter was taken up for hearing on 06.10.2025, the petitioners failed to report compliance. Therefore, recording the non compliance by the petitioners, the petition was dismissed on 06.10.2025. Challenging the order passed by the Trial court on 19.09.2025, the petitioners have filed the instant civil revision petition.

3. The petitioners cannot be aggrieved by the earlier order dated 19.09.2025, because the petition filed by them seeking to set aside the exparte order passed against them was allowed on condition.

4. The learned counsel for the petitioners submits that the condition imposed by the Trial Court dated 19.09.2025 was complied with by the petitioners, however, the same was not reported before the court by inadvertance, on the next date of hearing on 06.10.2025. It is the case of the petitioners that the condition imposed on them by the Trial Court on 19.09.2025



was duly complied with, within the stipulated time. Therefore, it is for the petitioners to file appropriate application before the very same court seeking to set aside the order dated 06.10.2025, by explaining sufficient cause for their failure to inform the court with regard to the compliance of the earlier order. The petitioners are not entitled to challenge the order dated 19.09.2025, after complying with the condition imposed on them.

5. Accordingly, this civil revision petition is dismissed with liberty to the petitioners to work out their remedy before the Trial Court. There shall be no order as to costs. Connected miscellaneous petition is closed.

22-01-2026

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

MST

To

The IV Additional Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

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