



CRP(MD). No.3001 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3001 of 2025
and CMP(MD).No.17006 of 2025 and 1654 of 2026**

Ponnambalam

... Petitioner

Vs.

1.Robinson

2.Vijayan

3.Moni

4.Subaja

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and to set aside the fair and decretal order passed in I.A.No.02 of 2025 in O.S.No.165 of 2015 dated 15-09-2025 in the file of the Principal District Munsif, Padmanabhapuram, Kanaykumari District and allow the civil revision petition.

For Petitioner : Ms.Neya for M/s.G.Anto Prince

For Respondents : Mr.K.N.Thambi for R1
Ms.M.Anusha for R2 to R4
Legal aid counsel

ORDER

This civil revision petition has been filed to set aside the fair and decretal order passed in I.A.No.02 of 2025 in O.S.No.165 of 2015 dated



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15-09-2025 on the file of the Principal District Munsif, Padmanabhapuram,
Kanaykumari District.

2. Heard the learned counsel on either side and perused the records.

3. Civil Miscellaneous Petition in CMP(MD).No.1654 of 2026 has been filed seeking to fix an early hearing date for C.R.P. No. 3001 of 2025. The learned counsel for the petitioner submitted that the judgment in O.S. No. 165 of 2015 has to be pronounced shortly, and hence, the present petition has been filed to advance the hearing of the main Civil Revision Petition. Considering the urgency, this Court permitted the learned counsel to advance arguments in the main civil revision petition.

3. The learned counsel for the petitioner submitted that the original suit was filed for demarcation of property. The second defendant had filed a counter with respect to Survey No. 66/3. The revision petitioner, who is aged about 70 years and also suffering from various ailments, sought to pursue his rights and filed an impleading application in the year 2017, pursuant to which one Subaja was impleaded as defendant No.4. Further, he filed his counter statement concerning Survey No. 61/7.



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4.It is the contention of the petitioner that Survey No. 61/7 affects his pathway. According to him, he became aware of the proceedings only when his pathway was affected by the fourth defendant, and thereafter, he filed an application to set aside the ex parte order and to implead Subaja as 4th defendant.

5.Per contra, the learned counsel for the respondent submitted that the judgment in the above suit is to be pronounced shortly and that the impleading application had already been dismissed by the trial Court.

6.This Court finds that the ex parte order was passed in the year 2015, whereas the application to set aside the same was filed only in the year 2025, after a delay of about 10 years. The trial Court has dismissed the application on the ground that the delay has not been properly explained.

7.In the absence of any sufficient cause shown for such inordinate delay, this Court finds no infirmity in the order passed by the trial Court.

8.Accordingly, both the Civil Revision Petition as well as the Civil



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Miscellaneous Petition in CMP(MD).No.1654 of 2026 are dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

9.The Court places on record its appreciation for the commendable efforts of the legal aid counsel for the respondents 2 to 4, namely, Ms.M.Anusha, for conducting the case diligently and providing valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench shall pay a total sum of Rs.10,000/- towards remuneration to the legal aid counsel for conducting the cases, within a period of two weeks from the date of receipt of a copy of this order, without fail.

10.Registry is directed to forward a copy of this order to the Legal Aid Committee for information.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

25.02.2026

TM

To

1.The Principal District Munsif, Padmanabhapuram, Kanaykumari District.

2.The Section Officer,

4/6



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E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.
3.The Legal Aid Committee,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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