



WEB COPY

CRP No. 1167 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 1167 of 2020

Gopalakrishnan

..Petitioner(s)

Vs

1. Shanmugam
2. Selvakumar

..Respondent(s)

Prayer : This petition has been filed to set aside the fair and final order dated 31.01.2019 made in IA.No.160/2017 in OS.No.205 of 2009 on the file of District Munsif Court, Sirkali.

For Petitioner(s): M/s.B.Jawahar

For Respondent(s): M/s.T.Girish – R1
R2-Served-No appearance

ORDER

Heard Mr.B.Jawahar, learned counsel for the petitioner and Mr.T.Girish, learned counsel for the first respondent.

2. An application filed by the petitioner to condone the delay of 86 days in filing an application under Order IX Rule 13 had been dismissed taking note of the fact that the suit had been filed in the year 2004 and that had been transferred to Court in the year 2009 and had been kept pending for almost 15 years. That apart, the Court had also given a finding that even though the



petitioner had given a reason that he had been suffering from jaundice, he had not given any details as to from which date he had suffered the illness or the date on which he had been cured of the said disease for the said reason to be accepted.

3. A suit had been instituted against the petitioner seeking declaration and for consequential injunction of an order passed by the Revenue Court, Myladuthurai and the consequential order passed by the Execution Proceedings as null and void and to restrain the petitioner from in any way taking action against the respondents in respect of the suit properties. The claim of the respondents, who are the plaintiffs in the suit, is that they are the cultivating tenants of the of the petitioner and the petitioner had obtained a decree of eviction under the Cultivating Tenants Act without impleading them. It is to be noted that the petitioner had initiated the proceedings under the Cultivating Tenants Act before the appropriate authority as against the mother of the respondents and was benefitted with an order of eviction. It is also admitted that the father of the respondents had entered into a lease agreement with respect to the lands in issue and the tenancy had also been recorded. As the father of the respondents had died, the petitioner had initiated eviction proceedings against the mother of the respondents for violation of the lease as she being the legal heir continued in the cultivation of the lands. Even if such order had been obtained by placing incorrect facts and playing fraud upon the Revenue Courts,



remedies had also been provided under the Act and the Civil Courts jurisdiction had been specifically barred. In that context, this Court is of the view that the petitioner who had the benefit of a statutory order under an enactment cannot be allowed to suffer an ex parte decree.

4. For the aforesaid reasons, the delay stands condoned and the learned Judge, District Munsif Court, Sirkali is directed to take on record the application filed under Order IX Rule 13 and pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. No order as to costs.

08-04-2026

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

Maya

To

The Judge, District Munsif Court, Sirkali



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K.KUMARESH BABU, J.

Maya

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