

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

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CORAM

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

**CRP No. 2398 of 2026
And
CMP.No. 10281 of 2026**

**A.Devan
S/o. Late. Vellaian,
Mettu St,
Meiyur Colony and Village,
Uthukottai Taluk,
Thiruvallur Tk and Dt.**

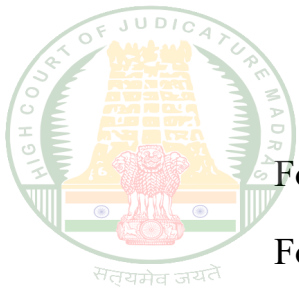
..Petitioner(s)

Vs

- 1. K.Selvakumar
S/o. Late. Kannaian,
Mettu St,
Meiyur Colony and Village,
Uthukottai Taluk,
Thiruvallur Tk and Dt.**
- 2. K. Nehuru
S/o. Late. Kannaian,
Mettu St,
Meiyur Colony and Village,
Uthukottai Taluk,
Thiruvallur Tk and Dt.**

..Respondent(s)

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908 praying to set aside the order dated 02.12.2025 passed by the Honble District Munsif Cum Judicial Magistrate at Uthukottai in IA No.4 of 2025 in OS No.6 of 2012 and thus render justice.



For Petitioner(s): MR.A.K.Rajaraman

For Respondent(s): No Appearance

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ORDER

This Civil Revision Petition has been filed praying to set aside the order dated 02.12.2025 passed by the learned District Munsif Cum Judicial Magistrate at Uthukottai in I.A No.4 of 2025 in O.S No.6 of 2012.

2.The revision petitioner herein is the defendant and the respondents herein are the plaintiffs in O.S.No. 6 of 2012.

3.The case of the respondents/plaintiffs that they filed a suit in O.S.No. 6 of 2012 on the file of District Munsif, Uthukottai, for declaration of 2nd plaintiff's right and title over the Item No.2 of the suit property and for recovery of possession of the same from the defendant and for permanent injunction restraining the defendant, his men and agents from in any manner putting up any construction in the suit properties. The defendant filed a written statement denying all the averments made in the plaint. During the pendency of the suit proceedings, the defendant filed an application I.A.No. 4 of 2025 praying to condone the delay of 124 days in filing the application to set aside the ex-parte decree passed in the original suit. After scrutinizing the records and hearing the submissions made by the learned Counsel on either side, the Trial Court

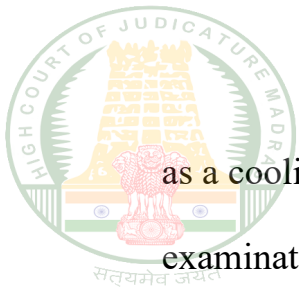


dismissed the application by order dated 02.12.2025 for non-appearance of the defendant dated 28.02.2024. Aggrieved by the same, the defendant has come forward with the present Civil Revision Petition.

4.The learned Counsel for the revision petitioner submitted that the revision petitioner/defendant, who worked as a coolie in a marriage hall, could not appear before the Court below for cross-examination due to lack of communication, advanced age, and illness. Therefore, he prays that the above Civil Revision Petition be allowed.

5.Heard the learned Counsel for the revision petitioner/defendant and perused the materials available on record.

6. On perusal of the records, it is seen that the suit was filed in the year 2012 by the respondents/plaintiffs for recovery of possession and permanent injunction. The case was posted for cross-examination on 08.03.2023, 15.03.2023, 05.04.2024, 20.06.2023, 12.07.2023, 25.07.2023, 04.08.2023, 09.08.2023, 10.08.2023, 12.09.2023, 14.09.2023, 26.09.2023, 10.10.2023, 01.11.2023, 29.11.2023, 19.12.2023, 03.01.2024, 23.01.2024, 13.02.2024, the defendant could not appear before the Court below for cross-examination. Hence, the defendant called absent and set ex-parte on 28.02.2024 and the ex-parte decree was also passed. It is further seen that the defendant was working



as a coolie in a marriage hall, could not appear before the Court below for cross-examination due to lack of communication, advanced age, and illness.

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7. With a view to adhere the principles of natural justice fully, and in the interest of justice, this Court is inclined to give one more opportunity to the revision petitioner/defendant to contest the suit proceedings.

8. Accordingly, this Civil Revision Petition is allowed and the order dated 02.12.2025 passed in I.A.No.4 of 2025 in O.S.No. 6 of 2012 on the file of District Munsif Cum Judicial Magistrate, Uthukottai is set aside. Consequently, I.A.No.4 of 2025 in O.S.No.6 of 2012 on the file of District Munsif Cum Judicial Magistrate, Uthukottai, is allowed. Further, the revision petitioner/defendant is directed to co-operate for speedy disposal of the trial.

18-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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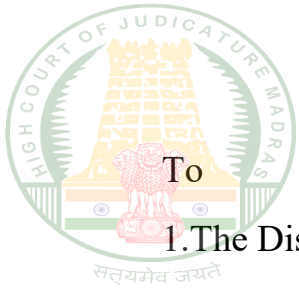


T.V.THAMILSELVI, J.

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To

1. The District Munsif Cum Judicial Magistrate.

2. The Section Officer, V.R. Section, High Court, Madras.

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