



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.745 & 746 of 2021

and

C.M.P.(MD)No.4066 of 2021

Sekar

...Petitioner in both C.R.Ps.

Vs.

Annakili (Died)

1.Sudhakar

2.Alexander

...Respondents in both C.R.Ps.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal orders dated 18.02.2021 passed in I.A.Nos.245 & 246 of 2019 in O.S.No.159 of 2012, on the file of the District Munsif Court, Tiruchendur.

For Petitioner : Mr.A.Mohammed Haneef
for Mr.M.P.Senthil

For Respondent No.1 : Mr.A.Robinson

For Respondent No.2 : No appearance



COMMON ORDER

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These petitions have been filed seeking to set aside the orders dated 18.02.2021 passed in I.A.Nos.245 & 246 of 2019 in O.S.No.159 of 2012, on the file of the District Munsif Court, Tiruchendur.

2.Learned Counsel for the petitioner would submit that the respondents filed a suit in O.S.No.159 of 201, on the file of the District Munsif Court, Tiruchendur, for partition and other consequential reliefs. The trial Court passed an ex-parte order dated 31.10.2012, as against the petitioner, who is arrayed as the first defendant for non-appearance and till date, the suit is not disposed of as against the other defendants. The petitioner is residing in Karnataka for his livelihood and he came to know only after five years about the pendency of the suit and thereby after taking legal advice, the petitioner filed I.A.Nos.245 & 246 of 2019, for reopening the case in respect of the first defendant and to set aside the ex-parte order dated 31.10.2012, respectively. Both the applications were dismissed on the ground that the reasons assigned are not tenable. Challenging the same, the petitioner has filed the present Civil Revision Petitions.

3.Learned Counsel for the petitioner further submits that the fact remains that till date, the suit is pending on the file of the District Munsif Court, Tiruchendur. No prejudice will be caused to the respondents in setting aside the orders and for reopening by filing written statement and adducing evidence by



the petitioner herein. Accordingly, he prays for allowing these Civil Revision Petitions.

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4.Learned Counsel for the respondent / plaintiff submits that this Court may issue a direction to the trial Court to allow the petitioner to conclude the trial within a period of six [6] months.

5.Admittedly, the suit remains pending in respect of other respondents and hence no prejudice would be caused to the respondents in allowing the petitions preferred by the petitioner. For the purpose of giving opportunity to the petitioner and considering the fair submission made by the learned Counsel for the petitioner and also considering the fact that till date the suit is pending, the orders impugned herein are set aside and these Civil Revision Petitions are disposed of, with a direction to the trial Court to dispose of the suit in O.S.No. 159 of 2012, within a period of six [6] months from the date of receipt of a copy of this order. However, this Court has not expressed any opinion on the merits of the matter. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

10.06.2025

Internet:Yes/No

Index:Yes/No

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To

- 1.The District Munsif Court,
Tiruchendur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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