

CRP(MD). No.3 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.3 of 2026

and

C.M.P(MD) No.20057 of 2025

1.Thavasipal

2.Rajagopal

... Petitioners

Vs

Thanganadachi (Died)

Murugesan (Died)

1.Vimala

2. Bijivi Thangabama

3. Rijvi Raja Rajeswari

4. Meenatchi Siva Thrisvi

5. Palkani

...Respondents 1 to 5 / Respondents 2 to 6

6. Saraswathi

7. Lingadurai

8. Saradha

9. Banumathi

... Respondents 6 to 9 /3rd parties

1/5



CRP(MD). No.3 of 2026

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decretal order dated 3.7.2025 passed in I.A.No.535 of 2015 in O.S.No. 241 of 2011 on the file of the learned Additional District Munsif, Valliyoor and to set aside the same by allowing the Civil Revision Petition.

For Petitioner : Mr.V.Sasi Kumar

For R1 to R5 : Mr.H.Arumugam
for Mr.M.Subbiah

ORDER

The present Civil Revision Petition has been filed challenging the order of dismissal passed in I.A.No.535 of 2015 in O.S.No.241 of 2011 by the learned Additional District Munsif, Valliyoor, dated 03.07.2025.

2. The case of the revision petitioners is that the original suit was filed for declaration along with consequential relief of injunction on 19.07.2011. The suit was taken on file by the trial Court on 29.07.2013 and trial commenced on 07.08.2013. The suit was posted for trial from 07.08.2013 to 05.08.2015. However, during the said period of nearly two years, the revision petitioners/plaintiffs did not proceed with the trial and



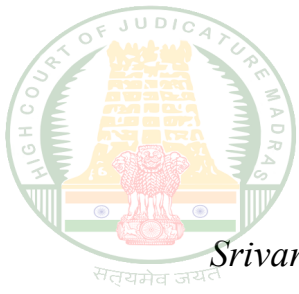
CRP(MD), No.3 of 2026

consequently, the suit came to be dismissed for default on 22.06.2017.

Thereafter, I.A.No.622 of 2017 was filed seeking restoration of the suit and the same was allowed on 03.02.2023. Subsequently, the suit was again dismissed for default on 05.08.2015. Thereafter, an application under Order IX Rule 9 CPC was filed, which was dismissed by the trial Court on the ground that no sufficient cause was shown. The trial Court recorded that the reasons assigned by the petitioners were vague and unsupported by any credible evidence or circumstances. Challenging the said dismissal, the present revision petition has been filed.

3. The learned counsel for the revision petitioners contended that dismissal of the application would defeat the substantive rights of the parties.

4. Per contra, the learned counsel for the respondents submitted that the impugned order is an appealable order under Order XLIII Rule 1(c) read with Section 104 of the Code of Civil Procedure and therefore, the present Civil Revision Petition is not maintainable. In support of his contention, reliance was placed on the judgment of this Court in *H.H.*



CRP(MD). No.3 of 2026

Srivan Sadagopa v. The Commissioner, HR & CE, Madras, reported in 2015 (3) MWN (Civil) 472, wherein this Court has held as follows: para 4 and 10 are extracted hereunder:

5. Since the order passed by the trial Court is an appealable order, the present Civil Revision Petition is not maintainable. Liberty is granted to the revision petitioners to work out their remedy by filing an appeal before the appropriate appellate Court.

6. Recording the same, this Civil Revision Petition is dismissed.

No costs.

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

08.01.2026

Indu

To

The Additional District Munsif, Valliyoor.

4/5



WEB COPY



CRP(MD). No.3 of 2026

N.SENTHILKUMAR, J.

Indu

CRP(MD). No.3 of 2026

08.01.2026