



CRP(MD). No.3643 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.01.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3643 of 2025
and
CMP(MD) No.19295 of 2025**

G.Sri Amarnath

... Petitioner

Vs

V.Thangaraj

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of CPC., to call for the records pertaining to the fair and decreetal order dated 17.09.2025 made in E.P.No.267 of 2025 in O.S.No.1533 of 2023 on the file of the I Additional Sub Court, Madurai and set aside the same as illegal.

For Petitioner : Mr.G.Rajaram

For Respondent : Mr.B.Rooban

ORDER

This Civil Revision Petition has been filed challenging the order dated 17.09.2025 made in E.P.No.267 of 2025 in O.S.No.1533 of 2023 on the file of the I Additional Sub Court, Madurai.



CRP(MD). No.3643 of 2025

WEB COPY

2.The respondent/plaintiff has filed the above suit as against the petitioner/defendant for eviction along with other reliefs. The said suit was decreed on 05.04.2025. Challenging the same, the petitioner/defendant has preferred an appeal in A.S.No.399 of 2025 on the file of the District Court, Madurai, along with the delay condonation application in I.A.No.1 of 2025. Pending such application, the respondent/plaintiff filed EP.No.267 of 2025 for delivery and the Court below, vide order dated 17.09.2025, had allowed the said petition. Challenging the same, the petitioner has filed this Civil Revision Petition.

3.The main ground raised by the learned counsel for the petitioner is that without providing any opportunity to the petitioner, the impugned order had been passed and as such, the same is liable to be set aside.

4.The learned counsel for the respondent would fairly submit that the petitioner has not been provided with sufficient opportunity of hearing before the impugned order was passed.



CRP(MD). No.3643 of 2025

WEB COPY

5. Admittedly, the impugned order had been passed by the Court below without providing opportunity to the petitioner, which would amount to violation of principles of natural justice and hence, the impugned order requires to be set aside on this sole ground.

6. In the result, the Civil Revision Petition stands allowed. The impugned order dated 17.09.2025 made in E.P.No.267 of 2025 in O.S.No.1533 of 2023 on the file of the I Additional Sub Court, Madurai, is hereby set aside and the matter is remitted back to the Court below to consider the same afresh and to dispose of the same, as expeditiously as possible, by passing a speaking order, after providing sufficient opportunities to the petitioner herein. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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08.01.2026

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CRP(MD). No.3643 of 2025

To
WEB COPY

The I Additional Subordinate Judge, Madurai.



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CRP(MD). No.3643 of 2025

N.SENTHILKUMAR, J.

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CRP(MD). No.3643 of 2025

08.01.2026