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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP Nos.3365 & 3366 of 2026

K.Gobi

..Petitioner in
both CRPs

Vs

1.Pazhanivel
2.Vanitha
3.Vasuki
4.Yasotha

..Respondents in
both CRPs

Common prayer: Civil Revision petitions filed under Section 115 of CPC, to set aside the fair and decreetal order passed in I.A.Nos.391 & 392 of 2023 in O.S.No.227 of 2014 dated 31.07.2025 on the file of the Principal District Munsif, Chidambaram.

For Petitioner(s): Mr.T.Saravanan

For Respondent(s): Ms.V.Sasi
for Mr.P.Willson Topoz for R1

No appearance for RR2 to4



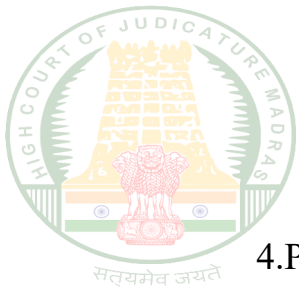
ORDER

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These revision petitions have been filed to set aside the order passed in I.A.Nos.391 & 392 of 2023 in O.S.No.227 of 2014 dated 31.07.2025 on the file of the Principal District Munsif, Chidambaram.

2.Heard the learned counsel for the petitioner and the learned counsel for the contesting 1st respondent in both these revisions.

3.The learned counsel for the petitioner states that the petitioner/3rd defendant is a physically challenged person and he had appointed a power agent, who suffered from Jaundice and was taking home treatment and therefore, he was not in a position to contest the suit, which resulted in an ex-parte decree being passed. He would further state that there has been a delay of 164 days in taking out the application to set aside the ex-parte decree. Citing the above reasons, the learned counsel for the petitioner sought for condonation of delay. However, the said application, on contest by the 1st respondent/plaintiff, came to be dismissed on merits. He would further state that the suit being one for declaration of title and for substantial interest in immovable property, a fair opportunity may be afforded to the petitioner, who has purchased the property for valuable sale consideration.

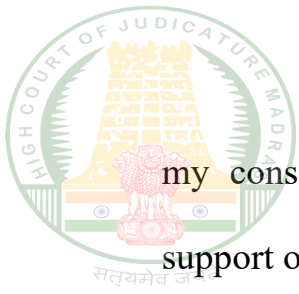


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4. Per contra, the learned counsel for the 1st respondent contends that the 1st respondent/plaintiff is being subjected to untold mental agony and this is the third round of litigation which the 1st respondent is being forced to suffer. She would also point out that the revision petitions itself are not maintainable, in view of the fact that Order IX Rule 13 of CPC application has also been dismissed and the proper remedy for the petitioner is only to prefer an appeal. She would also rely on the decision of the Hon'ble Supreme Court in *Koushik Mutually Aided Cooperative Housing Society Vs. Aameena Begum and another*, reported in 2023 INSC 1065, which was also followed by me in *S.Mohan Kumar Vs. S.Uma Maheswari* in CRP.No.3234 of 2024 dated 16.10.2025. She would therefore state that the revisions may be dismissed.

5. I have carefully considered the submissions advanced by the learned counsel for the parties.

6. Admittedly, the suit was in a part heard stage. I find force in the submission of the learned counsel for the 1st respondent that the revision petitions, per se, may not be maintainable. However, considering the fact that the petitioner is physically challenged and admittedly was not in a position to contest the suit and for such purpose, he had appointed a power agent, who suffered from Jaundice and the delay of 164 days is also not inordinate and in



my considered opinion, has been sufficiently explained in the affidavit in support of the condone delay application.

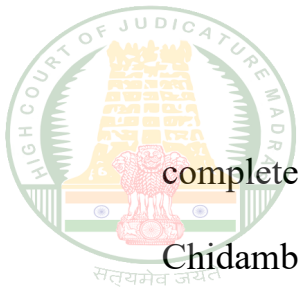
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7. The consequent application to set aside the ex-parte decree has been dismissed only on account of the condone delay application being dismissed. Therefore, I do not intend to put technicalities in the way of the petitioner, more so, when the suit is one for declaration of title and recovery of possession and therefore, when the substantial rights of the parties are involved and admittedly, the petitioner is in possession of the suit property, the petitioner should be given one opportunity to contest the suit on merits.

8. Further, I find from the impugned order that the witnesses on the side of the plaintiff have already been examined in chief and cross examined as well, way back in the year 2022, and only at the stage of defendants' witnesses, the suit has been decreed ex-parte, on account of non-appearance on the side of the revision petitioner. In view of the above, I am inclined to set aside the order of the Trial Court, subject to the following directions:

(i) The order dated 31.07.2025 in I.A.Nos.391 & 392 of 2023 in O.S.No.227 of 2014 on the file of the Principal District Munsif, Chidambaram, are set aside.

(ii) The defendants shall enter the witness box without any further delay and without seeking any further adjournments. Their examination shall be



completed on or before 31.08.2026 and the learned Principal District Munsif, Chidambaram, shall thereafter hear the arguments on either side and dispose of the suit, on or before 31.10.2026.

(iii) The learned counsel for the petitioner is directed to pay cost of Rs.5,000/- to the learned counsel for the 1st respondent before this Court, within a week from today.

16.07.2026

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

To
The Principal District Munsif, Chidambaram.



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P.B.BALAJI, J.

ATA

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