



A.No.2753 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

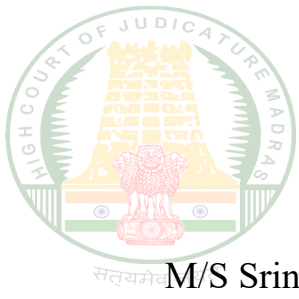
A No. 2753 of 2026

in

C.S. No. 212 of 2022

1. M.Ravanan @ Ravi Vannana
residing at Yoga Avenue, Athangarai Street,
Masigam, Vellore district 635 810.
presently residing at
River Bank Street, Sarangal Village,
Madigan Post, Pernambut Taluk,
Vellore District – 635 810.
2. R.Vishwajith Dev
residing at Yoga Avenue, Athangarai Street,
Masigam, Vellore district 635 810.
presently residing at
River Bank Street, Sarangal Village,
Madigan Post, Pernambut Taluk,
Vellore District – 635 810.
3. R.Shyam Surender
residing at Yoga Avenue, Athangarai Street,
Masigam, Vellore district 635 810.
presently residing at
River Bank Street, Sarangal Village,
Madigan Post, Pernambut Taluk,
Vellore District – 635 810.
4. R.Devanand
No.4W, 2nd Street, Thimmaiah Road, Bharathi
Nagar, Bengaluru 560001.

..Applicant(s)



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Vs

M/S Srinidhi Constructions

Represented by its partner Mr.M.S.Ravindra Babu
and Mr.E.Sunil Kumar, Having Office at Plot
No.138, 6th Main Road, B Block, Thanikachalam
Nagar, Chennai 600 110.

..Respondent(s)

PRAYER: To condone the delay of 927 days in filing the application to set aside the ex parte decree dated 25/08/2023 passed in C.S.No.212 of 2022 on the file of this Honble Court.

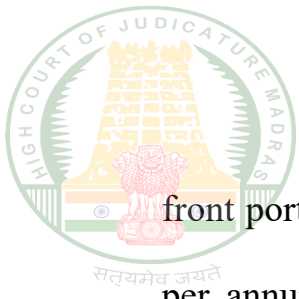
For Applicant(s): M/S.K.K.N. Ganeshan
D.Jayakumar

For Respondent(s): Ms.R.V.Gayathri.

ORDER

This application has been filed to condone a delay of 927 days in filing an application to set aside the ex parte decree dated 25.08.2023, passed in C.S.No.212 of 2022.

2. The suit was filed by the respondent/plaintiff, M/s. Srinidhi Constructions, to recover money from the applicants/defendants. The plaintiff claimed Rs.90,00,000 as a refund of the advance allegedly paid to the defendants, a further Rs.81,00,000 as compensation for the defendants' alleged failure to hand over the



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front portion of the suit property, measuring about 950 sq. ft., and interest at 12% per annum on the aggregate sum of Rs.1,71,00,000 from the date of suit until realisation.

3. The applicants state that, after receipt of the summons, the first applicant entrusted the case papers and vakalat to their erstwhile counsel and remained under the impression that the suit would be attended to. The first applicant also relies on his age and age-related ailments. According to the applicants, they became aware of the ex parte decree only in the last week of February 2026, when the first applicant was informed that a sale notice had been affixed to their property in the execution proceedings. The failure of the erstwhile counsel to enter an appearance and contest the suit is stated to be the cause of the delay.

4. The respondent opposes the application. It is contended that summons had been served on all four defendants; that an advocate had appeared for the first defendant and had represented that a vakalat had been filed, though it was returned for defects; and that the defendants were set ex parte only after sufficient opportunity had been afforded to them. It is further stated that the applicants remained absent even in E.P.No.111 of 2024 and approached this Court only after



the execution proceedings had reached the stage of filing papers for the sale proclamation.

5. The explanation offered by the applicants is not free from deficiencies. The first applicant admits receipt of summons and entrustment of the case papers and vakalat to the erstwhile counsel, while the affidavit also contains a broader assertion that notices were not received. No particulars or medical records have been produced in support of the plea of age-related ailments. However, the order dated 22.08.2023 records the appearance of the erstwhile counsel and his representation that a vakalat had been filed for the first defendant, though it had been returned for defects. This circumstance lends some support to the first applicant's case that the suit had been entrusted to counsel and that he remained under the impression that it was being attended to.

6. Applicants 2 to 4 are the first applicant's sons. The first applicant states that he alone was handling the litigation on behalf of the family. Although the applicants ought to have exercised greater diligence, their inaction cannot, in the circumstances, be characterised as deliberate or as an attempt to abandon the



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proceedings. Their case is that they learned of the decree only in the last week of February 2026 and thereafter approached the Court without any substantial further delay.

7. The explanation is not wholly satisfactory and discloses negligence on the part of the applicants. Nevertheless, the material on record provides a plausible explanation for their failure to approach the Court within time. The delay is therefore condoned, not as a matter of course, but subject to costs, with the merits of the application under Order IX Rule 13 CPC to be considered independently.

8. Accordingly, the 927-day delay is condoned, subject to the applicants paying costs of Rs.10,000 (Rupees ten thousand only) to the respondent/plaintiff within a period of two weeks of the date of this order. Further, the applicants are directed to deposit a sum of Rs.10,00,000/- (Rupees ten lakhs only) to the credit of the suit within a period of four weeks from the date of receipt of a copy of this order. Upon proof of payment, the Registry shall number the application filed under Order IX Rule 13 CPC, if it is otherwise in order, and place it before the Court. In



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the event of non-payment within the stipulated time, this application shall stand dismissed without further reference to the Court.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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