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CRP No. 4848 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

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

CRP No. 4848 of 2025

Ramasamy, S/o.Marappa Gounder, Kollaparayan
Kadu, Elayampalayam, Kaliyanoor Agraharam
Village, Thiruchengode Tk, Namakkal Dist.

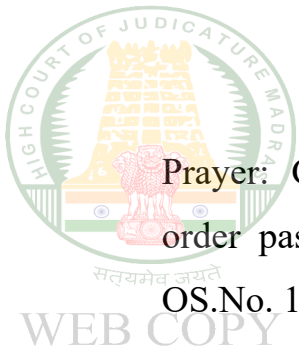
..Petitioner(s)

Vs

1. Mariammal, W/o.Late Muthusamy,
D.No.3/549, Oor Kinaru St, Avathipalayam,
Pallipalayam Agraharam Post, Thiruchengode
Tk, Namakkal Dist.
2. Jayamani, W/o. Sivaraj,
D.No. 14/14, Boyer Street,
Pallipalayam Town,
Kumarapalayam Taluk,
Namakkal District-08.
3. Poongodi, W/o. Periyasamy,
D.No. 77B, North Street,
Vellalapalayam, Paramathi-Velur,
Namakkal District-207.
4. Manimaran, S/o. Murugesan,
20, Boyer Street, Pallipalayam,
Kumarapalayam Taluk,
Namakkal District-08.

R2 to R4 impleaded as respondent, vide order
dated 6/7/2026 made in CMP No.1517/2026 in
CRP No.4848/2025.

..Respondent(s)



Prayer: Civil Revision Petition filed under Section 115 of CPC to set aside the order passed by the District Munsif at Kumarapalayam in IA.No.2/2025 in OS.No. 102/2006 dated 11.8.2025.

For Petitioner(s): Mr. R.Muruga Bharathi

For Respondent(s): Mr.R.T.Vishnu for R1

Mr.C. Ramaraj for R2 to R4.

ORDER

This Civil Revision Petition has been filed to set aside the order passed by the District Munsif at Kumarapalayam in I.A.No.2 of 2025 in O.S.No. 102 of 2006, dated 11.8.2025.

2. Mr.C.Ramaraj takes notice for the respondents 2 to 4.

3. The petitioner herein is the 8th defendant in the suit in O.S.No.102 of 2006. The first respondent herein / plaintiff filed the above said suit against the defendants 1 to 8, seeking partition of $\frac{1}{4}$ share in the suit A and B schedule properties and the same was decreed exparte on 09.06.2010. The petitioner/8th defendant filed I.A.No.2 of 2025 to condone the delay of 5408 days in filing the petition to set aside the above said preliminary decree. The said application was dismissed by the trial court and challenging the above said order, the present civil revision petition has been filed.

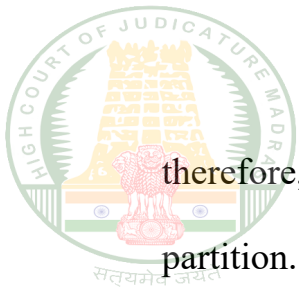


4. Heard the counsel for the petitioner and the counsel for the respondents.

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5. The petitioner is the 8th defendant in the above said suit for partition and he claimed that he purchased the share of one of the contesting defendants in the suit. The learned counsel for the petitioner states that, though the petitioner engaged a counsel to represent him and defend his interest in the preliminary decree stage, the counsel has been in negligent and has left the matter exparte, which resulted in a preliminary decree being passed. The learned counsel for the petitioner further contends that only when the final decree proceedings were initiated, the petitioner came to know about the preliminary decree and immediately he has taken out an application to condone the delay 5408 days to set aside the preliminary decree dated 09.06.2010.

6. The said application in I.A.No.2 of 2025 seeking condonation of delay was seriously opposed by the contesting respondent/plaintiff and the Trial court, on considering the records, found that even in E.P.No.7 of 20215, though the petitioner had entered appearance and also filed a counter, did not take any steps to set aside the preliminary decree, until 30.04.2025. In my considered opinion, the trial court rightly found that sufficient cause has not been made out. Further, the trial court has also recorded the fact that the Advocate Commissioner also intimated the petitioner at the time of inspection and



therefore, the petitioner had knowledge of the proceedings in the suit for partition. It is also brought to my notice that final decree was passed as early as on 24.01.2014 and the execution proceedings has also been terminated.

7. In view of the above discussion, I do not see any infirmity in the trial court's findings, pointing out that the petitioner has not made out sufficient cause to condone the delay of 14 years i.e. 5408 days entitling him to discretionary remedy under Section 5 of the Limitation Act.

8. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

16-07-2026

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

MST

To

The District Munsif, Kumarapalayam.



WEB COPY

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P.B.BALAJI, J.

MST

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