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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 No. 6017 of 2025

S.Kanniappan

..Petitioner

Vs

S.Sankaralingam

..Respondent

Prayer: Civil Revision petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 19.08.2025 in I.A.No.1 of 2024 in O.S.No.407 of 2019 on the file of the Subordinate Court, Pollachi.

For Petitioner(s): Mr.P.Venugopal

For Respondent(s): No appearance

ORDER

This revision has been filed to set aside the order dated 19.08.2025 in I.A.No.1 of 2024 in O.S.No.407 of 2019 on the file of the Subordinate Court, Pollachi.

2.Heard Mr.P.Venugopal, learned counsel for the petitioner.

3.The respondent, despite service of notice, has not chosen to appear either in person or through counsel and his name is also printed in today's cause list. The respondent is called and set ex-parte.

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4.The suit in O.S.No.407 of 2019 was filed by the respondent, as plaintiff, seeking recovery of Rs.1,02,000/-, towards alleged arrears of rent. According to the petitioner, though he engaged a counsel, the petitioner suffered from Jaundice and he went to Pollachi to take native treatment and he was under the bonafide impression that his counsel, who had been engaged to defend him in the suit, would take care of the matter and he came to know of the ex-parte decree only after receipt of notice in the execution proceedings.

5.The learned counsel for the petitioner further states that the petitioner has substantial defense in the suit and along with the application to condone delay and set aside the ex-parte, written statement has also been filed. Further, according to the petitioner, the petitioner entered into the property as a tenant under one Arumugam and he has been paying rents month after month to the said Arumugam and the respondent/plaintiff, who is not the landlord of the petitioner, was not entitled to claim any rent, much less arrears of rent which is the basis of the suit claim.

6.In view of the above, considering the fact that the petitioner has recognised a third party as landlord and has been paying rents to such third party and has also come forward to contest the suit on merits, I am inclined to given one opportunity to him to contest the suit. However, considering the fact

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that the affidavit filed in support of the condone delay application is vague and does not meet the entire period of delay, which is sought to be excused, I am inclined to put the petitioner on suitable terms which would sufficiently protect the interest of the respondent/plaintiff as well, in the event of the suit ultimately being disposed of in favour of the respondent/plaintiff.

7.In the light of the above, this Civil Revision Petition is allowed and the order dated 19.08.2025 in I.A.No.1 of 2024 in O.S.No.407 of 2019 on the file of the Subordinate Court, Pollachi, is set aside, subject to the condition that the petitioner deposits Rs.50,000/- to the credit of O.S.No.407 of 2019 on the file of the Subordinate Court, Pollachi, within a period of three months from today and subject to such compliance, the Subordinate Court, Pollachi, shall set aside the ex-parte decree, and after formally numbering the Order IX Rule 13 application, shall dispose of the suit on merits and in accordance with law, on or before 30.06.2027, and subject to the result of the suit, the plaintiff or the defendant shall be entitled to payment out of the amount of Rs.50,000/-, which will be deposited in pursuance of the conditional order passed herein above. No costs.

16.07.2026

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

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P.B.BALAJI, J.

ATA

To
The Subordinate Court, Pollachi.

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