

C.R.P(MD)No.1712 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1712 of 2026

R.Prakash

.. Petitioner

Vs.

1.Ramalingam
2.Karthick

.. Respondents

COMMON PRAYER: civil revision petition filed under article 227 of the Constitution of India to set aside the order dated 02.04.2026 passed in I.A.No.615 of 2019 in O.S.No.202 of 2013 on the file of the Additional Sub Court, Karur.

For Petitioner : Mr.K.Suresh

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking to condone the delay of 1,080 days in filing the petition to set aside the ex parte decree.



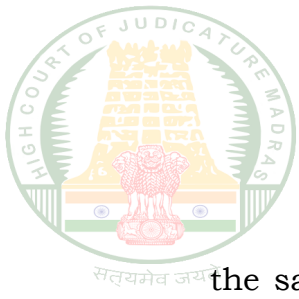
C.R.P(MD)No.1712 of 2026

WEB COPY

2.The respondents herein filed a suit seeking a declaration that the sale deeds dated 12.03.2013 and 19.04.2013, executed by the first defendant in favour of the petitioner/second defendant, are sham and nominal documents, and for consequential permanent injunction. The said suit was decreed ex parte on 22.08.2016. Subsequently, the petitioner/second defendant filed a petition to set aside the ex parte decree along with an application to condone the delay of 1,080 days in filing the said petition. The trial Court dismissed the delay condonation petition. Aggrieved by the same, the present Civil Revision Petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the trial Court, by relying upon the orders passed in collateral proceedings in the year 2021, came to the conclusion that the petitioner had appeared in those proceedings and, therefore, the reason assigned by him in the affidavit filed in support of the delay condonation petition, namely that he was suffering from illness, was not acceptable.

4.In the affidavit filed in support of the delay condonation petition, the petitioner stated that, at the relevant point of time, he was suffering from jaundice and had undergone native treatment for



C.R.P(MD)No.1712 of 2026

WEB COPY

the same. However, the trial Court, in the impugned order, observed that the petitioner had appeared in Creditor Insolvency Petition No.28 of 2013 and, therefore, the reason assigned by him in the present affidavit might not be true.

5.A perusal of the impugned order reveals that Exhibits B1 and B2, namely the orders passed in the insolvency proceedings, are dated 26.07.2021. However, in the case on hand, the petitioner was set ex parte in the year 2016, and the petition to set aside the ex parte decree was filed on 07.09.2019. Therefore, merely because the petitioner appeared in another proceeding in the year 2021, it cannot be concluded that the reason assigned by him for his failure to appear before the Court in the year 2016 is not true.

6.The documents executed in favour of the petitioner/second defendant have been challenged by the respondents/plaintiffs in the suit. Therefore, the petitioner would not gain anything by remaining ex parte. Taking into consideration the substantial rights of the parties over the suit property are involved, this Court is of the view that the trial Court, without taking into consideration the discrepancy between the period of absence of the petitioner and the date of the orders relied upon by it, erroneously dismissed the delay condonation



C.R.P(MD)No.1712 of 2026

WEB COPY

petition. Hence, this Court is inclined to set aside the impugned order.

7. Accordingly, the impugned order dated 02.04.2026 passed in I.A.No.615 of 2019 in O.S.No.202 of 2013 on the file of the Additional Sub Court, Karur is set aside. The Civil Revision Petition is allowed on condition that the petitioner shall deposit a sum of Rs.20,000/- as costs to the credit of O.S. No.202 of 2013 on the file of the Additional Sub Court, Karur, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the respondents are permitted to withdraw the said amount by making appropriate applications before the trial Court. No costs.

23.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn
To

1.The Additional Sub Court, Karur.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.1712 of 2026

S.SOUNTHAR, J.

skn

C.R.P.(MD)No.1712 of 2026

23.07.2026