

C.R.P(MD)No.2021 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.2021 of 2026

and

C.M.P(MD)No.9670 of 2026

1.G.Sankar
2.S.S.P.Ganesa Nadar Firm
rep. by its partner Mrs.S.Anusuya
W/o G.Sankar
No.110, Railway Feeder Road,
Rajapalayam,
Virudhunagar District.

.. Petitioners

Vs.

1.Rajapalayam Chathiram (1st schedule property)
Religious Charitable Trust,
Rajapalayam,
rep. by it Hereditary Huqhar,
A.A.Subbaraja
NO.153, Railway Feeder Road,
Virudhunagar District.

2.Rajapalayam Municipality,
Rajapalayam
rep. by its Commissioner.

3.G.Radhakrishnan

.. Respondents



C.R.P(MD)No.2021 of 2026

WEB COPY

PRAYER: civil revision petition filed under Section 115 of the Code of Civil Procedure to call for the records pertaining to the Interlocutory Application No.1 of 2025 in O.S.No.254 of 2005 passed by the District Munsif, Rajapalayam, dated 03.06.2026 and set aside the same.

For Petitioners : Mr.M.Natarajan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking to condone the delay of 3,384 days in filing the petition to set aside the ex parte decree.

2. It is not in dispute that the respondents herein filed a suit for recovery of possession against the petitioners. An ex parte decree was passed against the petitioners on 25.06.2014 owing to their failure to cross-examine P.W.1. Subsequently, the petitioners filed the instant application on 03.12.2024 seeking to set aside the ex parte decree along with an application to condone the delay of 3,384 days. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.



C.R.P(MD)No.2021 of 2026

WEB COPY

3.The learned counsel appearing for the petitioners would submit that the counsel engaged by the petitioners died and, therefore, the petitioners were not aware of the ex parte decree passed against them. It was contended that, in such circumstances, the trial Court ought to have condoned the delay.

4.It is seen from the affidavit filed in support of the application that the petitioners had received suit summons, engaged a counsel to defend the suit, and filed their written statement. The matter was thereafter posted for cross-examination of P.W.1 on 25.06.2014. On that day, owing to the failure of the petitioners to cross-examine P.W. 1, an ex parte decree came to be passed against them.

5.It is further admitted by the petitioners that during June 2014, they travelled to another State in connection with their business and, therefore, could not give instructions to their counsel regarding the cross-examination of P.W.1. It is also stated that their counsel died on 21.11.2018 and that they came to know about the ex parte decree only in the year 2023, after receipt of notice in the execution proceedings.

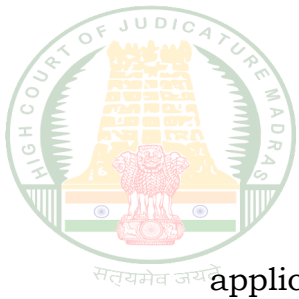


WEB COPY

6. The averments contained in the affidavit clearly indicate that the petitioners had not taken any steps from June 2014 to November 2018 to contact their counsel. If the petitioners were required to travel outside their native place in connection with their business, they were expected to furnish their contact address to their counsel and keep themselves informed about the progress of the case. In the affidavit, the petitioners have categorically admitted that they had not informed their whereabouts to their counsel and, therefore, did not receive any information from him.

7. The death of the petitioners' counsel occurred only on 21.11.2018. The petitioners have not offered any explanation whatsoever for the period from June 2014 to November 2018. Even thereafter, they have not taken any effort to contact the office of their deceased counsel or otherwise ascertain the status of the case. The petition to set aside the ex parte decree has been filed only after receipt of notice in the execution proceedings.

8. The trial Court has also noted in the impugned order that the petitioners entered appearance in the execution petition on 06.10.2023, but waited for nearly one year for filing the present



C.R.P(MD)No.2021 of 2026

WEB COPY

application. Thus, there is absolutely no explanation even for the delay after acquiring knowledge of the decree.

9. In the light of the above facts, I am of the view that the petitioners have not made out any sufficient cause for condoning the inordinate delay of 3,384 days. The reasons assigned by the petitioners are wholly insufficient, and the trial Court has rightly dismissed the application. I do not find any illegality or infirmity in the impugned order warranting interference by this Court.

10. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

27.07.2026

Index :Yes / No

Internet :Yes / No

NCC :Yes / No

skn

To

1.The District Munsif Court, Rajapalayam.

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



WEB COPY



C.R.P(MD)No.2021 of 2026

S.SOUNTHAR, J.

skn

C.R.P.(MD)No.2021 of 2026
and
C.M.P(MD)No.9670 of 2026

27.07.2026