



C.R.P.(NPD)(MD)No.1888 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.07.2026

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(NPD)(MD)No.1888 of 2023

Arockiasamy

... Petitioner

Vs

1. Maheswari

2. Marial

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the CPC, praying to set aside the fair and decreetal order passed in I.A.No.288 of 2021 in OS No.6 of 2018 on the file of the District Munsif Court, Keeranur, dated 19.04.2022.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.S.Muthukrishnan

ORDER

This 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 1278 days in filing the petition to set



aside the *ex parte* decree passed against him.

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2. The respondents herein filed a suit for bare injunction. In the said suit, an *ex parte* decree was passed against the petitioner on 27.02.2018 and thereafter, the petitioner filed an application to set aside the *ex parte* decree along with the condone delay petition on 27.09.2021. The condone delay petition was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner was 65 years old senior citizen and at the relevant point of time, he was affected with jaundice and thereafter, he suffered fracture and disabled for six months. Later there was a Corona out break. Therefore, the petitioner could not file a petition to set aside the *ex parte* decree in time.

4. It is seen from the typed set of papers that the petitioner has categorically admitted in his affidavit filed in support of the condone delay petition that suit summon was served on him. *Ex parte* decree was passed against him on 27.02.2018 and the application has been filed by him to set aside the *ex parte* decree only on 27.09.2021. The Corona out



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break had taken place only on March 2020 and the petitioner has not given any plausible explanation to condone the delay from February 2018 to March 2020. Further, the averments in the affidavit that the petitioner was suffering from jaundice and had sustained a fracture, among other ailments, have not been substantiated by any medical evidence and the petitioner had not even entered the witness box to face cross examination by the respondent. Taking into consideration that the reasons given by the petitioner in the affidavit are not sufficient to condone the inordinate delay of 1278 days, the trial Court rightly dismissed the application. I do not find any irregularity or illegality in the order passed by the trial Court. Accordingly, this Civil Revision Petition stands dismissed.

5. With the above observations, this Civil Revision Petition stands dismissed. There shall be order as to costs.

06.07.2026

NCC : Yes / No
Index : Yes / No
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S.SOUNTHAR, J.

vsm

To

1. The the District Munsif Court, Keeranur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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