



entire materials available on record.

5. Admittedly, the respondent/plaintiff filed the suit in O.S.No.104 of 2018, wherein the petitioner herein has been arrayed as sole defendant. Since the petitioner/defendant has not filed written statement in time, an *ex parte* decree was passed on 21.12.2018 and subsequently after filing the execution petition, the petitioner filed two applications. One is to set aside the *ex parte* decree and the another one is to condone the delay of 197 days in filing the petition to set aside the *ex parte* decree. Though the trial Court has mainly contended that written statement has not been filed and the reasons stated in the affidavit are not satisfied, a perusal of the records would show that the petitioner/defendant stated that there is a dispute regarding the consideration and there was also a settlement talk between the parties and due to that she has not filed the petition to set aside the *ex parte* decree in time.

6. As stated by the learned counsel for the petitioner, substantial justice is required since there is no long delay. However, the suit is filed for specific performance. The petitioner/defendant also appeared through her counsel, but she has not filed the written statement in time. Therefore, *ex parte* decree was passed. Since she has not filed the petition to set aside the *ex parte* decree within 30 days, she filed a petition to condone the delay of 197 days in filing the petition to set aside the *ex parte* decree. So far as the delay is concerned, the Court can take a lenient view to give opportunity to both the parties and to get judgment on merit. Therefore, in order to advance substantial justice, this Court is inclined to allow the petition. However, the petitioner/defendant has to compensate the respondent/plaintiff for the inconvenience caused to him. Under these circumstances, this Civil Revision Petition is allowed on condition that the petitioner/defendant shall pay a sum of Rs.50,000/- (Rupees fifty thousand only) to the respondent/plaintiff on or before 09.04.2020, failing which, this Civil Revision Petition shall stand dismissed automatically without any further reference to this Court. No costs. Consequently, CMP(MD)No.12223 of 2019 is closed.

List the matter on 15.04.2020 for reporting compliance.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1) The Additional District Judge/Fast Track Court,
Kumbakonam

2) The Section officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-12731[F] dated 20/03/2020)

CRP (MD)No.2320 of 2019
20.03.2020

KK/11.05.2020/ 3P- 4C