



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Tuesday, the Eleventh day of July Two Thousand and Twenty Three  
PRESENT

**The Hon`ble Mrs.Justice K.GOVINDARAJAN THILAKAVADI**

CMP(MD) No.5027 of 2023

in

CRP(MD) No.SR23571 of 2023

WEB COPY

1 V.SURESH  
2 T.VISHNU JOTHI

... PETITIONER/PETITIONER

**Vs**

1 P.POOMATHI  
2 P.VISWANATHAN  
3 V.SANTHI  
4 V.AMUTHA  
5 V.KAVITHA  
6 V.VANITHA

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 136 days in filing this civil revision petition against I.A.No.1 of 2021 in O.S.No.109 of 2017 which has been decided as exparte in the file of the learned 2nd Additional Sub Judge, Nagercoil pending disposal of the above civil revision petition.

PRAYER IN CRP(MD).SR23571/2023 :

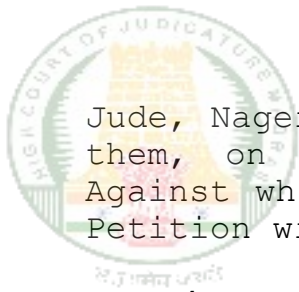
To set aside the order dated 16.08.2022 in I.A.No.1 of 2021 in O.S.No.109 of 2017 on the file of the 2<sup>nd</sup> Additional Sub Judge, Nagercoil.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.RAMANATHAN.S., Advocate for the petitioner and of MR.S.PALANIVELAYUTHAM, Advocate on behalf of the 1<sup>st</sup> Respondent and MR.K.PRABAKARAN, Advocate on behalf of the 2<sup>nd</sup> Respondent and MR.J.JEEVIN, Advocate on behalf of the Respondent Nos.3 to 6, the court made the following order:-

This petition is filed to condone the delay of 136 days in filing the above Civil Revision Petition against the I.A.No.1 of 2021 in O.S.No.109 of 2017 on the file of the II Additional Subordinate Judge, Nagercoil.

2.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

3.According to the petitioners, they filed an application in I.A.No.1 of 2021 in O.S.No.109 of 2017 before the II Additional Sub-



Jude, Nagercoil, for setting aside the ex-parte order passed against them, on 30.11.2018, which was dismissed by the trial Court. Against which, the petitioners preferred the present Civil Revision Petition with condonation of delay of 136 days.

4. In the affidavit, it is stated that the first petitioner and the second petitioner, who is his wife, are in possession and enjoyment of the suit properties, and the vacant land has been rented out to one third party to keep business materials. While so, on 07.08.2020 the first petitioner came to know that some of the land brokers were attempting to sell the suit mentioned properties. At that time only, the first petitioner came to know about the ex-parte decree passed against him and the second petitioner.

5. The learned counsel appearing for the petitioners submitted that no notice was served to the first petitioner and the second petitioner and they were not aware of the suit proceedings. Hence, the petitioners constrained to file an interlocutory application to set aside the ex-parte decree, which was passed against them. The trial Court without going into the merits of the case, simply dismissed the said application. The learned counsel would further submit that if the petition to condone the delay in filing the Civil Revision Petition is not allowed and the revision petition is not admitted, they will put irreparable loss and great hardship to them.

6. On the other hand, the learned counsel appearing for the first respondent would submit that if the delay is condoned, the first respondent/plaintiff puts to great hardship and also there is no merit in the above petition. Therefore, the said petition is liable to be dismissed.

7. Considering the facts and circumstances of the case and to afford sufficient opportunity to the petitioners to put forth their case on merits to have fair adjudication, this Court thinks fit that the petition can be allowed on payment of cost. Accordingly, this petition is allowed on condition that the petitioners shall pay a sum of Rs.6,000/- (Rupees Six Thousand only) to each of the respondents directly on or before 20.07.2023. If the payment was made in time, the Registry is directed to verify the same and number the Civil Revision Petition.

8. Accordingly, this petition is allowed.

sd/-

11/07/2023

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/07/2023

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

NS

<https://www.mhc.tn.gov.in/judis>



CMP(MD)



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TO

THE II ADDITIONAL SUBORDINATE JUDGE,  
NAGERCOIL.

COPY TO

WEB COPY

- 1 THE REGISTRAR (JUDICIAL),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR, A.E.SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SECTION OFFICER, JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMANATHAN, Advocate ( SR-10522[I] dated 11/07/2023 )

ORDER

IN

CMP (MD) No.5027 of 2023

in

CRP (MD) No.SR23571 of 2023

Date :11/07/2023

RS/MMS/SAR-(14.07.2023) 3P 6C