



WEB COPY

CRP.No.72 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.72 of 2024 and

CMP No.283 of 2024

M.Rani

... Petitioner

Vs.

V.Ramadevi

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the order passed in I.A.No.1 of 2019 in I.A.No.589 of 2017 in O.s.No.374 of 2017 on the file of the Additional Subordinate Judge, Vellore, dated 28.10.2022 and allow the Civil Revision Petition

For Petitioner : Mr.V.Shanmugasundaram

For Respondent : No appearance

ORDER

Heard Mr.V.Shanmugasundaram, learned counsel for the petitioner.

2. Despite posting the matter under the caption for orders, there is no representation for the respondent.

3. The respondent herein had filed O.S.No.374 of 2017 on the file of the Additional Subordinate Judge, Vellore for the relief of specific performance of agreement of sale entered into between the petitioner and the



respondent. The said suit for specific performance was decreed ex parte and upon receipt of notice in Execution Petition, the revision petitioner has filed an application in I.A.No.1 of 2019, seeking to condone the delay of 671 days in filing the application to set aside the ex parte decree, dated 27.06.2018. The petitioner has also filed written statement along with the said application. The trial Court has dismissed the condonation of delay application finding that the contention of the petitioner that there was a communication gap between the petitioner and the counsel, cannot be believed at the age of the technology advancement and also finding that the suit for specific performance has been decreed ex parte for not filing written statement.

4. The learned counsel for the petitioner also brings to my notice that till date, the sale deed has not been executed in favour of the respondent / plaintiff. Considering the fact that the written statement is also filed to show the bonefides of the petitioner and the reasons assigned for non appearance on the assigned date, despite the counsel having sent a letter to the petitioner informing him about the next date of hearing, the said letter was not received by the revision petitioner, the said excuse is justifiable and in any event considering that substantial rights of the petitioner, who is the owner of the



property involved in the suit for specific performance and also taking into account that the respondent has not had the benefit of a sale deed and possession continues to be with the revision petitioner, I am inclined to condone the delay of 671 days in I.A.No.1 of 2019 is set aside. The trial Court shall dispose of the application to set aside exparte decree on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

The Additional Subordinate Judge, Vellore.

P.B. BALAJI,J.

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