



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRP No. 315 of 2025

and

CMP No.2044 of 2025

1. N. Perumal

S/o. Nandagopal, No. 2/40,
Mamallapuram ROad, Kothimangalam
Village, Thirukalikundram Taluk,
Chengalpattu District.

Petitioner

Vs

1. Gopalakrishnan

2.Saranraj

Respondents

PRAYER

Petition filed under Section 115 of the Civil Procedure Code, seeking to set aside the interim order dated 27.11.2024 in I.A.No. 2 of 2023 in O.S.No. 54 of 2017 passed by the Learned Additional Subordinate Judge at Chengalpattu.

For Petitioner(s): M/s. S. B. Madhura,
for Mr. K.V. Babu

For Respondent(s): M/s Leela And Co
Mr. G Balasubramanian and Mr. S Anand



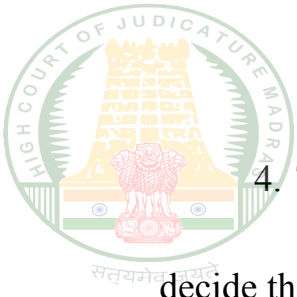
ORDER

WEB COPY

This Civil Revision Petition has been filed to set aside the fair and decreetal order of the learned Additional Sub-Judge, Chengalpattu dated 27.11.2024 in I.A.No.2 of 2023 in O.S.No.54 of 2017.

2. The brief facts of the case are that the revision petitioner is the plaintiff. He filed the suit for specific performance to direct the defendants to execute and register the sale deed in his favour after receiving the balance sale consideration of Rs.5,25,000/-. The respondents/defendants were set exparte and the Trial Court had passed an exparte judgment and decree in O.S. No. 54 of 2024 dated 17.11.2018.

3. The respondents/defendants have filed an application in I.A.No.2 of 2023, under Section 5 of the Limitation Act, seeking to condone the delay of 814 days in filing the petition to set aside the exparte decree and judgment dated 17.11.2018,



WEB COPY

4. The Trial Court held that to meet the ends of justice and in order to decide the case on merits, allowed the application by directing the defendants to deposit a sum of Rs.5,25,000/- into the Court in CCD Account till the disposal of the suit, within a period of one month, failing which this petition shall stand dismissed without further hearing. Challenging the same, the present civil revision petition has been filed before this Court.

5. The learned counsel for the petitioner submits that the Trial Court without any sufficient cause shown by the respondents/defendants allowed I.A.No.2 of 2023, seeking to condone the huge delay of 814 days. He further submits that the suit is of the year 2017 and the exparte decree was passed on 17.11.2018, while so, the Trial court erred in condoning the delay.

6. Per contra, the learned counsel appearing for the respondents/defendants submits that the Trial Court on perusal of the materials available on record found that the case is required to be decided on merits and passed a conditional order directing the respondents/defendants to deposit a sum



of Rs.5,25,000/- into the Court in CCD Account. The said conditional order was duly complied with by the defendants/ respondents. He also submits that the respondents are ready and willing to co-operate for the speedy disposal of the case, and he reiterates that the respondents had a good case on merits.

7. Having gone through the materials available on record, this Court does not want to express any opinion on merits, which would affect the rights of the parties before the concerned Court. However, it is observed that the Trial Court in exercise of discretion and to ensure that the defendants are given an opportunity to contest the suit on merits, condoned the delay subject to some condition. The conditional order has also been complied with by the defendants by depositing the amount. In such circumstances, this Court does not find any infirmity or illegality in the order dated 27.11.2024 in I.A.No.2 of 2023 in O.S.No. 54 of 2017 passed by the Learned Additional Subordinate Judge at Chengalpattu. However, taking into consideration that the suit is of the year 2017 a direction is issued to the Trial Court to take the suit on file and complete the trial as expeditiously as possible preferably within six months from the date



of receipt of a copy of this order. The parties are directed to appear before the

Trial Court on 09.06.2025. The Trial Court is also directed to re-deposit the

amount of Rs.5,25,000/- deposited by the respondents into any interest bearing

fixed deposit scheme in anyone of the Nationalised Bank.

8. With the above observations and directions, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

24-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

klt



WEB COPY

CRP No. 315 of 2025



A.D.JAGADISH CHANDIRA J.

klr

To

- 1.The Learned Additional Subordinate Judge,Chengalpattu.
- 2.The Section Officer, V.R.Section, High Court, Madras.

**CRP No. 315 of 2025
and
CMP No.2044 of 2025**

24-04-2025