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C.R.P.No.1618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**C.R.P.No.1618 of 2023
and CMP.No.10540 of 2023**

M/s.Resurgent Power Projects Limited,
(Formerly known as Enmas GB Power Systems
Projects Ltd)
Rep by its Managing Director,
Mr.K.Sankarasubramanian
No.484-485, Second Floor,
Pantheon Plaza, Pantheon Road,
Egmore, Chennai – 600 008.

...Petitioner

Vs.

V.Gopi anand

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order made in I.A.No.2 of 2022 in O.S.No.4391 of 2018 dated 10.01.2023 passed by the IV Assistant Judge, City Civil Court, Chennai and allow the Civil Revision Petition.



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For Petitioner : Mr.M.Murali

For Respondent : Mr.M.P.Muthukumaran

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The revision petitioner is the defendant in O.S.No.4391 of 2018. An ex parte decree was passed on 25.10.2019 and the revision petitioner subsequently filed an application to condone the delay of 143 days in filing the application to set aside the said ex parte decree. However, the said application, I.A.No.2 of 2022, was dismissed by the learned Trial Court by order dated 10.01.2023. The present revision petition challenges that dismissal order.

3. The learned counsel for the petitioner submits that the Trial Court failed to assign proper and statutory reasons for dismissing the delay condonation application.



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4. Per contra, the learned counsel for the respondent fairly submits that the revision may be allowed and that the delay may be condoned, and further, that even the ex-parte decree may be set aside. However, he requests that the Trial Court be directed to expedite the trial in the suit.

5. In view of the fair submission made by the learned counsel for the respondent and considering the facts and circumstances of the case, this Court is inclined to allow the revision petition. Accordingly, the order passed in I.A.No.2 of 2022 refusing to condone the delay of 143 days in filing the application to set aside the ex-parte decree dated 25.10.2019 is hereby set aside. The Trial Court is directed to formally number the application to set aside the ex-parte decree, if not already numbered and allow the said application also. It is brought to the notice of this Court that the written statement has already been filed along with the applications in I.A.Nos.1 and 2 of 2022. The Trial Court is directed to frame issues within two weeks from the date of receipt of a copy of this order and thereafter expedite the trial and dispose of the suit on or before 31.01.2026.



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6. This Civil Revision Petition is allowed. No costs.

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Consequently, connected Civil Miscellaneous Petition is closed.

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To

1. The learned IV Additional Judge, City Civil Court, Chennai.



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P.B.BALAJI.J.

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