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CRP NPD.No.1420 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.1420 of 2025 & CMP.No.8353 of 2025

1. Subramani
2. Visalatchi
3. Sakthivel
4. Gnanavel
5. Anandhabaskaran
6. Rajesekari
7. Poornima
8. Renuka

. . . Petitioners

Versus

Ramadass

. . . Respondent

PRAYER : Petition filed under section 115 of Code of Civil Procedure to set aside the fair and decreetal Order dated 19.02.2025 in I.A.No.480 of 2023 in O.S.No.38 of 2022 on the file of the Principal District Court, Puducherry and consequently allow the I.A.No.480 of 2023 in O.S.No.38 of 2022 as prayed for.



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CRP NPD.No.1420 of 2025

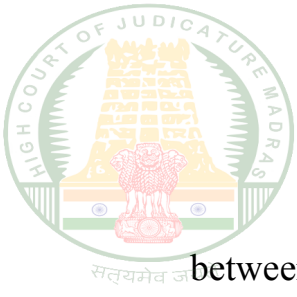
For petitioners : Ms.Chandini Rajkishore

For respondent : Mr.R.Thiagarajan

ORDER

Challenging the order of dismissal of the application filed to condone the delay of 142 days in filing an application to set aside the exparte decree passed against the petitioner on 27.08.2022, the present Civil Revision Petition has been filed.

2. The suit in O.S.No.38 of 2022 has been filed by the respondent for specific performance wherein the revision petitioners have been set exparte for non filing of the written statement and exparte decree has been passed in the suit on 27.08.2022. An application has been taken out by the revision petitioners with an application to condone the delay in filing an application to set aside the exparte decree. It is the contention of the revision petitioners that the written statement could not be filed as there were settlement talks going on



CRP NPD.No.1420 of 2025

between the parities. Therefore, the delay had occurred. The trial Court dismissed the application on the ground that the petitioner was not diligent in prosecuting the case. Challenging the same, the present petition has been filed.

3. Heard both sides and perused entire materials available on record.

4. Though each and every delay has not been explained, taking note of the nature of the contract entered between the parties and it is the specific contention of the petitioners that there were settlement talks which did not fructify and though there is negligence on the part of the petitioners, the same cannot be put against them to defeat their substantial right.

5. Accordingly, this Civil Revision is allowed and the Order passed by the trial Court in I.A.No.480 of 2023 in O.S.No.38 of 2022 is set aside and the suit is restored. The trial Court shall dispose the suit in O.S.No.2022 within a period of four months from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.



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CRP NPD.No.1420 of 2025

09.07.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The Principal District Judge, Puducherry.



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CRP NPD.No.1420 of 2025

N. SATHISH KUMAR, J.

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CRP NPD No.1420 of 2025

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