



C.R.P.No.1882 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.1882 of 2025

and

C.M.P.No.10883 of 2025

1.Lakshmi
2.Bharath
3.Rajmohan

... Petitioners

Vs.

1.Ganesan
2.Baskaran

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 10.01.2025 in I.A.No.4 of 2024 in O.S.No.66 of 2022 on the file of the Additional District and Sessions Court (FTC), Arani, Tiruvannamalai District.

For Petitioners : Mr.R.Ananth
for M/s.T.N.Rajagopalan

For R1 and R2 : Mr.R.Venkatesan

ORDER



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Challenging the order of the Additional District and Sessions Court (FTC), Arani, Tiruvannamalai District, dated 10.01.2025, in I.A.No.4 of 2024 in O.S.No.66 of 2022, dismissing the application to condone the delay of 32 days in filing the application to set aside the *ex parte* decree, for non-compliance of the conditional order, the present revision petition has been filed.

2.The suit has been originally filed by the respondents for partition and for separate possession. The said suit has been decreed *ex parte* by a judgment and decree dated 27.02.2024. Thereafter, the petitioners/defendants have filed the present application to condone the delay of 32 days in filing the application to set aside the *ex parte* decree. The trial Court, by its order dated 02.12.2024, has allowed the application subject to payment of cost of Rs.2,500/-. However, though it is the case of the petitioners that they have paid the said cost through G-Pay to one Mr.R.Saravanan, who is the representative of the plaintiffs, and when the same was brought to the notice of the trial Court, as the plaintiffs have repudiated the claim of the petitioners/defendants, the trial Court inferred that the cost has not been paid and dismissed the condone delay application



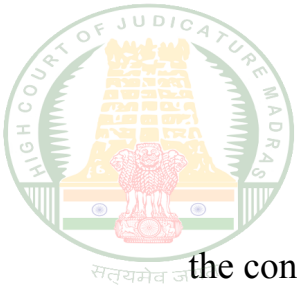
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as 'conditional order not complied with' on 10.01.2025. Challenging the same, the present revision has been filed by the defendants.

3.It is to be noted that, as against the consequential dismissal of the application to set aside the *ex parte* decree filed by the defendants in I.A.No.5 of 2025 in O.S.No.66 of 2022, the defendants have filed C.M.A.No.1306 of 2025. When the matter stood thus, this Court, by judgment dated 02.06.2025, has set aside the order of the trial Court dismissing the application to set aside the *ex parte* decree and permitted the defendants/appellants to pay the cost within a period of two weeks. A copy of the judgment in C.M.A.No.1306 of 2025 has also been produced before this Court.

4.As the main *ex parte* decree itself has been set aside by the judgment of this Court in C.M.A.No.1306 of 2025, this Court is of the view that the order passed by the trial Court dismissing the application to condone the delay in filing the application to set aside the *ex parte* decree, becomes insignificant. Therefore, in order to avoid any further technicalities, this Court is also inclined to set aside the order of dismissal of



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the condone delay application.

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5. Accordingly, this Civil Revision Petition is allowed and the order dated 10.01.2025 in I.A.No.4 of 2024 in O.S.No.66 of 2022 on the file of the Additional District and Sessions Court (FTC), Arani, Tiruvannamalai District, is set aside. Consequently, the application in I.A.No.4 of 2024 is allowed. The revision petitioners/defendants are permitted to pay the cost as ordered by the trial Court, if not paid already, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2025

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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

To

The Additional District and Sessions Court (FTC),
Arani, Tiruvannamalai District.

N. SATHISH KUMAR, J.

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