



WEB COPY

CRP No. 3080 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3080 of 2023

1. Karuppathal
W/o.Late Sangiliappan,
23/47 A, Sakthi Kaliamman Koil Street,
Thalavaipattinam, Dharapuram Taluk,
Tirupur District.

2. Vanitha
D/o.Late Sangiliappan,
Sakthi Kaliamman Koil Street,
Thalavaipattinam, Dharapuram Taluk,
Tirupur District.

Petitioner(s)

Vs

Gobalakrishnan
S/o.Subhaian,
No.1, Geetha Nagar,
Kaspa Dharapuram Town,
Tirupur District.

Respondent(s)



PRAYER: Civil Revision Petition has been filed under Section 115 of C.P.C., to set aside the Fair and Final order dated 17.04.2023 made in IA No.1 of 2023 in OS No.290 of 2017 on the file of Subordinate Judge, Dharapuram.

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For Petitioners: Mr.J.Jayan

For Respondent: Mr.D. Selvaraju

ORDER

This Civil Revision Petition has been filed challenging the order dismissing the application filed under Section 5 of the Limitation Act, seeking to condone the delay of 1394 days in filing petition under Order 9 Rule 13 of the Code of Civil Procedure to set aside the exparte decree dated 11.01.2019.

2. The learned counsel for the petitioners states that the suit was filed for specific performance of an agreement of sale, which was entered into between the respondent and one Sangiliappan, who is husband of the first petitioner and the father of the second petitioner. According to the petitioners, the agreement was only a loan transaction and there was no intention to sell the suit properties. Subsequent to the demise of the husband of the first petitioner and the father of



the second petitioner, the suit came to be instituted to enforce the said agreement for sale. Further, he submits that despite filing the written statement,

the petitioners could not defend the suit on account of medical treatment to be given to the son of the second petitioner and also the second petitioner was pregnant and the mother (first petitioner) being aged was not able to devote time to attend to the suit. Therefore, he seeks a fair opportunity to be given to the petitioners to defend the suit.

3. The learned counsel for the respondent would state that after the decree, the petitioners appeared in E.P.No.74 of 2022 and thereafter also, they have not taken any immediate steps to set aside the ex parte decree. Further, he also brings to my notice that the Court has executed the sale deed and possession is also taken from the revision petitioners and Execution Petition has also been terminated. Therefore, he submitted that nothing survives for further adjudication.

4. I have carefully considered the submissions made by the learned



counsel on either side and also perused the materials available on record.

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5. The Trial Court has discussed the rival submissions advanced on either side and has rightly come to the conclusion that the petitioners have not been diligent and no medical records have also been filed to substantiate the self-serving averments made in the affidavit, seeking to condone the delay. The Court has also taken note of the fact that the sale deed has been executed and possession has also been delivered to the respondent. Hence, I do not find any illegality or perversity in the said order for not condoning the delay and the same does not warrant any interference of this Court.

6. In the result, this Civil Revision Petition is dismissed. No costs.

17-09-2025

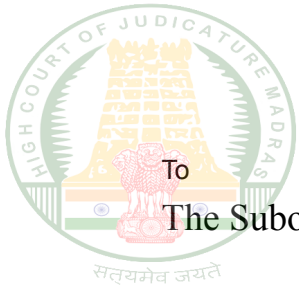
Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

The Subordinate Judge, Dharapuram.

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P.B.BALAJI J.
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