



WEB COPY

CRP.No.4340 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.4340 of 2025

1. Chinnappappa
2. Sundaresan

... Petitioners

Vs.

Muniammal

... Respondent

PRAYER: Civil Revision Petition filed under Article 115 of Code of Civil Procedure, praying to set aside the fair and decreetal order dated 24.09.2024 passed in I.A.No.3 of 2023 in O.S.No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate at Pennagaram.

For Petitioner : Mr.V.Sakkarapani

ORDER

Heard Mr.V.Sakkarapani, learned counsel for the revision petitioners.

Despite the matter is listed under the caption for orders, there is no representation for the respondent.

2. The revision petitioners are the defendants in O.S.No.44 of 2021 on the file of the District Munsif cum Judicial Magistrate, Pennagaram. The respondent / plaintiff filed the suit for partition and separate possession. The parties are closely related, being sisters. The suit was decreed exparte on 30.09.2022. Along with an application to condone the delay of 161 days,



the petitioners filed an application to set aside the exparte preliminary decree passed in the said suit. Though the respondent plaintiff did not even chose to file counter and object to the condonation of delay application, the trial Court finding that the respondents had not satisfactory explained the delay, proceeded to dismiss the suit.

3. Heard the learned counsel for the petitioners and I have gone through the records including the orders impugned in the present Revision.

4. Admittedly, the exparte decree came to be passed soon after the Covid lock down was lifted and the Hon'ble Supreme Court also granted extension of period of limitation. The counsel for the petitioners states that the petitioners have explained the delay satisfactorily by stating that because of the Covid lock down, the petitioners were not able to return back to their home town on account of which, the delay in filing the application to set aside the exparte order, had occurred. In any event, the suit is for partition and no serious prejudice would be caused to the respondent / plaintiff if the delay, is condoned, especially when the respondent did not even object to the request for condonation of delay by filing a counter.

5. In the light of the above, I am inclined to allow the Civil Revision Petition. Accordingly, the Civil Revision Petition is allowed and the order in



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I.A.No.03 of 2023, dated 24.09.2024, is set aside. No costs.

27.10.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

vum

To

The District Munsif cum Judicial Magistrate at Pennagaram.

P.B. BALAJI,J.

vum

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