



WEB COPY



CRP.No.185 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated 28.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

**CRP.No.185 of 2025**  
**and C.M.P.No.1274 of 2025**

K.Palanisamy

... Petitioner

Versus

S.Nandhagopal

... Respondent

**PRAYER :** Petition filed under Section 115 of Code of Civil Procedure, to set aside the order dated 14.03.2024 made in I.A.No.157 of 2022 in O.S.No.90 of 2019 on the file of the Subordinate Court, Kangayam.

For Petitioner : Mr.D.Rameshkumar

**ORDER**

Challenge has been made to the order of the Trial Court dismissing the application of the petitioner filed to condone the delay of 737 days in setting aside the exparte decree dated 20.01.2020.

2. The suit has been originally filed for specific performance by the respondent, the same has been decreed only for recovery of money. The relief of specific performance is negatived by the Trial Court. Though it was an exparte



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decree, an application has been filed by the petitioner to set aside the exparte decree, the same has been dismissed.

3. The learned counsel for the petitioner would submit that in execution proceedings, the parties have arrived at compromise and the revision petitioner has already paid a sum of Rs.1 lakh and agreed to pay the remaining amount in installments in subsequent hearing. Such statement is recorded.

4. Heard the learned counsel for the petitioner and perused the materials placed on record. Since the judgment debtor has agreed to pay the decretal amount and also had paid part amount, this Court is of the view nothing survives for adjudication in this revision.

5. Accordingly, this revision stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petition stands closed.

**28.01.2025**

Internet : Yes/No  
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To

The Sub Judge  
Subordinate Court, Kangayam



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**N. SATHISH KUMAR, J.**

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