



CRP.No.1938 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.1938 of 2024
and CMP.No.10233 of 2024

A.Shanmugasundaram

.. Petitioner

Versus

P.Balu

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decretal order dated 15.12.2024 made in O.S.No.117 of 2023 on the file of Principal District Judge, Villupuram.

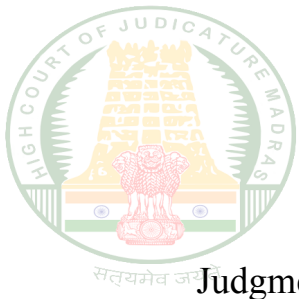
For Petitioner : Mr.T.Dhanasekaran
For Respondent : Mr.K.Arunagiri

ORDER

Challenging the order of the Trial Court decreeing the suit for specific performance, the present revision has been filed.

2. Heard both sides and perused the materials placed on record.

3. No doubt, as per Order 20 Rules 4 & 5 of Civil Procedure Code,



CRP.No.1938 of 2024

WEB COPY

Judgments of the Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision. Even an ex parte decree judgment should contain bare minimum facts, the point for determination, the evidence adduced and the application of those facts and evidence for deciding the issue. At the same time, the defendant should also bear in mind that merely because the exparte decree does not contain reasons for such decision, one cannot take advantage of the same to avoid such decree after a lapse of several developments. Unless there is fraud or any collusion has been established, as a matter of right, this Court is of the view that one cannot come before the Revision Court under Article 227 of the Constitution of India to set aside the exparte decree straight away. Now, it is also stated that the petitioner had filed an application to condone the delay in filing the petition to set aside the exparte decree in I.A.No.1 of 2023 on the file of the Principal District Judge, Villupuram.

4. Such view of the matter, the learned Principal District Judge, Villupuram shall decide the application taking into consideration of the nature of the exparte decree as this Court has repeatedly held that an exparte decree particularly one line judgment in a suit for specific



CRP.No.1938 of 2024

WEB COPY

performance is not a judgement in the eye of law. In view of such position, the learned Principal District Judge, Villupuram shall permit the parties to contest the matter on merits.

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

10.07.2025

Index : Yes/No
Internet : Yes/No
dhk

To,

1. The Principal District Judge
Villupuram

2.The Section Officer
VR Section, Madras High Court

N.SATHISH KUMAR, J.,



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CRP.No.1938 of 2024

dhk

C.R.P.No.1938 of 2024

10.07.2025

Page 4 of 4