



CRP No.4589of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.4589 of 2025 and CMP No.23270 of 2024

Ramalingam

... Petitioner

Vs

Saraswathi

... Respondent

Revision filed under Section 115 of Civil Procedure Code against the order dated 07.04.2025 made in I.A.No.552 of 2022 in O.S.No.47 of 2021 on the file of Subordinate Judge, Thittagudi.

For Petitioner : Mr.M.R.Elavarasan

For Respondent : Mr.A.Velmurugan

ORDER

Though the matter was posted for Reporting Settlement, it appears that the parties have not been able to reach any settlement.

2. Heard the learned counsel for the parties.

3. The revision petitioner is the plaintiff challenging the order, allowing the application filed by the defendant to condone the delay of 289 days in filing an application to set aside the exparte decree passed in a suit



for recovery of money based on a promissory note.

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4. Learned counsel for the petitioner's primordial arguments is that on the date of the decree being passed, the respondent was present in person in the court and therefore, without noticing the same, the trial court has proceeded to condone the delay and erroneously exercised the jurisdiction in favour of the respondent. Therefore, the learned counsel submits that the order passed by the trial court certainly requires interference.

5. Learned counsel for the respondent, would, however, submit that the delay is not inordinate and it is only 289 days and the respondent also, in order to show his bonafide, is willing to deposit the principal amount before the trial court provided an opportunity being given to the respondent to contest the suit.

6. In the light of the above and also considering the fact that the delay is not inordinate, I am inclined to dispose of the civil revision petition. Though the order passed by the trial court condoning the delay is under challenge in the present revision, considering the discussion herein above, the revision is disposed of in the following manner:-



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7. The order passed in I.A.No.552 of 2024, condoning the delay is confirmed. However, in order to set aside the exparte decree, the respondent shall deposit the principal amount of Rs.1,68,000/-(Rupees One Lakh Sixty Eight Thousand only) to the credit of the suit in O.S.No.47 of 2021 before the trial court within a period of four weeks from the date of receipt of a copy of this order.

8. On such deposit, the exparte decree shall be set aside by the trial court and the respondent shall file written statement within a period of two weeks thereafter and the trial court shall frame issues within a period of one week thereafter and dispose of the suit on merits and in accordance with law on or before 30.04.2026.

9. With the above direction, the civil revision petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

10.11.2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order
sr



P.B.BALAJI.,J

sr

To

The Sub Court, Thittagueli

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