



WEB COPY

CRP.No.248 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:20.11.2025

Pronounced on:28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.248 of 2024
and CMP. No.1183 of 2024**

1.Nagaraj
2.Rajeswari
3.Selvi

Petitioner(s)

Vs

1.V.Vijayalakshmi
2.The Executive Officer,
Tamil Nadu Housing Unit,
TATABAD, Coimbatore.

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and final order dated 25.09.2023 passed by the learned IV Additional District Munsif, Coimbatore in I.A. No.2 of 2023 in O.S. No.261 of 2016.

For Petitioners : Mr.L.Mouli
For Respondents : Mr.I. Abrar Mohammed Abdullah
for R1
Mr.R.Gunasekaran,
Standing Counsel (TNHB) for R2



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ORDER

The revision petitioners are the defendants in O.S. No.261 of 2016 on the file of the IV Additional District Munsif, Coimbatore. The revision Petitioners had been set exparte on 10.01.2020 and they moved an application condone the delay of 1067 days in filing the application to set aside the exparte decree. The said application came to be dismissed by the Trial Court and challenging the same, the present revision petition has been filed.

2. I have heard Mr.L.Mouli, learned counsel for the revision petitioner and Mr.I. Abrar Mohammed Abdullah, learned counsel for the first respondent and Mr.R.Gunasekaran, learned Standing Counsel for the second respondent/TNHB.

3. Mr.L.Mouli, learned counsel for the revision petitioner would contend that the counsel who had been engaged by the revision petitioner was appointed as Judicial Officer and the petitioner was not even able to get the case papers back to enable him to contest the suit filed by the first respondent/plaintiff herein. He would also state that there is yet another



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suit which is pending before the same Court and therefore, no prejudice would be caused, if the exparte decree is set aside and an opportunity is given to the revision petitioners to contest the suit on merits.

4. Per contra, Mr.I. Abrar Mohammed Abdullah, learned counsel for the first respondent/plaintiff would submit that the other suit that has been referred to by learned counsel for the petitioners has nothing to do with the present suit and in any event, he would contend that the other suit is also admittedly before the same Court and when the petitioners had been able attend to the proceedings in the other suit, nothing prevented them to file the written statement and defend the suit filed in O.S. No.261 of 2016. He would therefore state that there is absolutely no merit in the revision and the Trial Court has passed a well considered order which does not required interference.

5. I have carefully considered the submissions advanced by the learned counsel on either side.



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6. Admittedly, the petitioners have approached the Court with a delay of more than 3 years. The petitioners were set exparte even on 14.08.2018, for not filing written statement. The records reveal that the petitioners had filed change of vakalat and engaged a new counsel on 04.04.2017 and thereafter, the Court has granted several opportunities to the petitioners to file their written statement and only subsequently, they have been set exparte and in 2018. Further, I find that even after the defendants being set exparte, the exparte decree was passed only in 2020, after about two years. Even according to the revision petitioners, the other suit is pending and it is also before the same Court. In such circumstances, when the petitioners have been able to attend to another Civil Suit in O.S. No.1573 of 2014 before the same Court, it is no excuse to contend that the petitioners' counsel was appointed as a Judicial Officer and therefore, they were not able to get hold of necessary papers and engage a new counsel, to contest the suit, by filing a written statement. Admittedly, the other suit is at the stage of trial. Therefore, the petitioners can only blame themselves for not diligently following up the present suit.



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7. I do not find any infirmity in the order of the Trial Court dismissing the application for condonation of delay warranting interference. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

28.11.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The IV Additional District Munsif,
Coimbatore



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P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.248 of 2024
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28.11.2025