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C.R.P.No.6515 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.6515 of 2025
and C.M.P.Nos.32163 and 291791 of 2025

Sajjan Rajasekar

... Petitioner

vs.

G.S.S.Sitara

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in M.P.No.76 of 2025 in DVC.No.89 of 2024 on the file of the Additional Mahila Court (Magisterial Level), Egmore, Chennai and set aside the order dated 11.06.2025 passed by the Additional Mahila Court (Magisterial Level), Egmore, Chennai in M.P.No.76 of 2025 in DVC.No.89 of 2024.

For Petitioner : M/s.U.Priyadarsini
for Mr.D.Percivul Pericles



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the learned Magistrate, dismissing the application filed by the petitioner in M.P.No.76 of 2025 to set aside the ex-parte order passed against him.

2. It is seen from the typed set of papers, the petitioner filed an application to set aside the ex-parte order passed against him on 27.01.2025. The said application was allowed by the Magistrate on 24.03.2025 on condition that the petitioner should make a payment of Rs.2,000/- to the respondent as costs. The said order has not been complied within the time stipulated. Therefore, on the next date of hearing, by impugned order, M.P.No.76 of 2024 was dismissed. When the petitioner failed to comply with the condition imposed, the Court left with no other option dismissed the petition.

3. The learned counsel for the petitioner submits that the conditional order was passed on 23.04.2025 and the petitioner's counsel died on 27.04.2025 due to cardiac arrest and therefore, due to the resultant communication gap, the petitioner failed to comply with the order. If the



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petitioner has got sufficient cause for not complying with the order, it is for him to file appropriate application seeking extension of time before the Court concerned. He is not entitled to challenge the consequential order passed by the Magistrate, dismissing his application for non compliance of conditional order as erroneous. Therefore, liberty is given to the petitioner to file an appropriate application before the concerned Court, seeking extension of time. If any such application is filed, the same shall be considered and the order shall be passed on merits as expeditiously as possible, without reference to impugned order. In case time extension is granted and condition is complied by the petitioner within extended time, he is entitled to the benefit of order dated 24.03.2025 allowing petition to setting aside exparte order. No costs. Consequently, the connected civil miscellaneous petitions are closed.

17.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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Note:Issue order copy on 17.12.2025.



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S.SOUNTHAR, J.

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To

The Additional Mahila Court (Magisterial Level),
Egmore, Chennai.

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17.12.2025