



CRP Nos.6156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6156 of 2025 and
CMP Nos.30201 and 30202 of 2025**

1. K. Sivakumar
D.No.25, Sayammal, Compound,
Thiru Vee Ka Street, Velandipalayam,
Coimbatore 641 025

Petitioner(s)

Vs

1. NANJAMMAL
No.18, Ramasamy Streeet,
Karamarathur, Ekkarai, Puluvaipatti,
Coimbatore 641 114

2.R. Sivasami
No.18, Ramasamy Streeet,
Karamarathur, Ekkarai, Puluvaipatti,
Coimbatore 641 114

3.Bakkiyam
3/45, Dharmaraja Kovil St,
Narasimmapuram, Thodamuthur,
Coimbatore 641101.

4.R. Ramalingam



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D.No.2/5, Samy Nagar,
Vaithegi Salai,
Velimalaipattinam,
Coimbatore 641 109.

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and decretal order dated 03.07.2025 in IA No.6 of 2024 in OS No.541 of 2015 on the file of the Honble 2nd Additional Subordinate Judge of Coimbatore and allow this CRP.

For Petitioner(s): Mr. G.K. Muthukumar

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner to condone the delay of 2686 days in filing the application to set aside the exparte order dated 26.08.2016.



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2. It is seen from the typed set of papers that the petitioner was set exparte on 26.08.2016. Thereafter, trial in the suit was proceeded exparte and exparte decree was passed on 18.04.2023. It is also seen from the typed set of papers that the petitioner has filed a separate application in I.A.No.10 of 2025 to set aside the exparte decree dated 26.08.2016. Since the exparte decree was already passed, the petitioner has to challenge the exparte decree alone and the instant application filed by the petitioner to set aside the exparte order dated 26.08.2016 with a petition to condone the delay is not at all maintainable, after passing of exparte decree. In fact before passing exparte decree, the defendant is entitled to seek setting aside of the exparte order and he need not file any petition to condone the delay. In the case on hand, the petitioner unfortunately filed the petition to condone the delay in filing the petition to set aside the exparte order. In any event, the application filed by the petitioner need not be adjudicated at this stage, when separate application has been filed by the petitioner in I.A.No.10 of 2025 to set aside the exparte decree passed on 18.04.2023. Therefore, this court is not inclined to entertain the civil revision petition.



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3. Accordingly, this civil revision petition is dismissed. There shall be no

order as to costs. Connected miscellaneous petitions are closed. The petitioner is at liberty to work out his remedy in I.A.No.10 of 2025.

03.12.2025

MST

To

The II Additional Subordinate Judge, Coimbatore.



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S.SOUNTHAR, J.

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