



C.R..P.(NPD)(MD).No.934 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.934 of 2025

M.S.Rajapandian (Died)

1. Poomanimammal

2. Stalinraj

3. Jeya

4. Leninraj

5. Jeyaselvai

... Petitioners/Petitioners
Defendants

Vs.

Jeyapaul

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., to set aside the orders passed in I.A.No.01 of 2023 in O.S.No.99 of 2010 on the file of the Sub-ordinate Court, Thoothukudi, Thoothukudi District.

For Petitioners : Mr.KA.Ramakrishnan



C.R..P.(NPD)(MD).No.934 of 2025

ORDER

WEB COPY

The defendants in O.S.No.99 of 2010, on the file of Sub Court, Tuticorin, have filed the present Civil Revision Petition challenging the dismissal of their application to condone the delay of 4337 days, in filing an application to set aside the *ex parte* decree.

2. A perusal of the records reveal that the suit has been filed for the relief of specific performance and an *ex parte* decree came to be passed on 14.03.2011. Based upon the said *ex-parte* decree, the plaintiff has filed E.P.No.4 of 2012 for execution of sale deed. The defendants have remained *ex parte* even in the said execution petition. Thereafter, the Court has executed the sale deed on 10.01.2019. The decree holder has filed E.P.No.53 of 2019 for delivery. When the delivery ordered, the defendants have filed I.A.No.1 of 2023 to condone the delay of 4337 days to set aside the *ex parte* decree.

3. A perusal of the affidavit reveals that the original plaintiff was affected with the diabetes and his leg was amputated and he had passed away



C.R..P.(NPD)(MD).No.934 of 2025

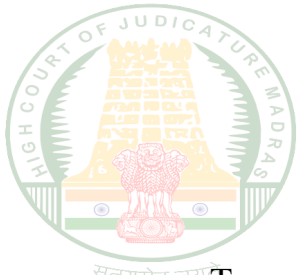
WEB COPY

in the year 2015 and therefore, he was not in a position to follow the suit proceedings. Apart from this, no other reason has been assigned. It could be seen that the original defendant had passed away four years after the passing of *ex parte* decree. That apart, the other legal heirs have also remained *ex parte* in E.P.No.4 of 2012 which was filed for execution of the sale deed. In E.P.No.53 of 2019 also, the defendants have remained *ex parte*. In such circumstances, this Court does not find any reason to interfere with the order passed by the trial Court and there are no merits in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

25.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi



C.R..P.(NPD)(MD).No.934 of 2025

To
WEB COPY

1. The Sub Court,
Thoothukudi,
Thoothukudi District.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(NPD)(MD).No.934 of 2025

R.VIJAYAKUMAR,J.

ebsi

C.R.P(NPD)(MD)No.934 of 2025

25.03.2025