



C.R..P.(NPD)(MD).No.555 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.555 of 2021

and

C.M.P.(MD)No.2990 of 2021

Vellappan

... Petitioner

Vs.

The Executive Officer,
Courtrallam Special Grade Panchayat,
Tenkasi Taluk.

... Respondent

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the order and decreetal order dated 22.01.2021 in I.A.No.1 of 2020 in O.S.No.516 of 2012 on the file of the Additional District Munsif Court, Tenkasi and set aside the same.

For Petitioner : Mr.T.Pon Ramkumar
For Respondent : Mr.S.Sundarapandian

ORDER

This Civil Revision Petition is filed challenging the order dated 22.01.2021 in I.A.No.1 of 2020 in O.S.No.516 of 2012 on the file of the Additional District Munsif Court, Tenkasi.



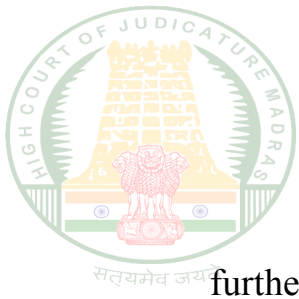
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2.The petitioner filed a suit for declaration claiming easements rights as against the respondent. The said suit was decreed *ex-parte*. Thereafter, the respondent Panchayat filed a petition to set aside the said ex-parte decree with a delay of 919 days. The trial Court has condoned the delay and allowed the petition with costs of Rs.2,000/-. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioner submits that the suit filed by the petitioner was decreed in his favour in the year 2018. The respondent has not chosen to challenge the said decree. After a lapse of two years, the respondent has filed an application seeking to condone the delay in filing the set aside application without providing any valid reasons. Even then, the trial Court has condoned the delay with a costs of Rs.2,000/- and the same is not sustainable.

4.The learned counsel for the respondent submits that the petitioner claims easement rights as against the respondent in a public pathway. Further, the property in question is classified a wet land in the revenue records. He



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further submits that though the respondent has filed written statement in the suit filed by the petitioner, the suit was dismissed only for the reason that no counsel has entered appearance on behalf of the respondent. Hence, the order passed by the trial Court need not be interfered.

5. Admittedly, the petitioner is the plaintiff and an ex-parte decree was passed in his favour without providing any opportunity to the respondent herein and the same is a clear violation of the principles of natural justice. Thereby the trial Court exercised its discretion to allow the condone delay application in I.A.No.1 of 2020 and the same need not be interfered with. Accordingly, this Civil Revision Petition is dismissed. Considering the fact that the suit is of the year 2012, the trial Court is directed to dispose of the suit within a period of six [6] months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional District Munsif Court, Tenkasi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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