



CRP(MD). No.1520 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/06/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1520 of 2025
and CMP(MD) No.7690 of 2025**

Alaguponnu

... Petitioner

v.

Vellaichamy,
S/o.Late.Kaalai Ambalam,
Sambaipatti,
Sumthirapatti Village.
Natham Taluk,
Dindigul District..

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the fair and decreetal order dated 24-02-2025 passed in I.A.No.320 of 2024 in O.S.No.22 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Court, Natham, Dindigul District and set aside the same as illegal.

For Petitioner : Mr.S.Ayyanar Premkumar
For Respondents : No appearance



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ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 24-02-2025 passed in I.A.No.320 of 2024 in O.S.No.22 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Court, Natham, Dindigul District.

2. The learned counsel for the petitioner would submit that the petitioner is the defendant in OS No.22/2023. For non appearance of the petitioner, an exparte decree came to be passed on 04.06.2024 and aggrieved by the same, the petitioner filed IA No.320/2024 with a delay of 132 days in filing the setting aside the exparte decree. However, the said petition was dismissed. Challenging the same, the petitioner is before this Court.

3. The learned counsel would submit that the trial Court dismissed the petition solely on the ground that the delay was not properly explained. However, the learned counsel for the petitioner averred that due to illness, the petitioner could not file the petition in time and hence,



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there occurred a delay and without considering the reasons adduced, the dismissal is not sustainable. Hence, the learned counsel prays for interference.

4. Though notice has been served on the respondent, neither the respondent nor the counsel for the respondent is present to prosecute the matter.

5. I have considered the said submissions and perused the materials available on record.

6. Admittedly, the respondent/plaintiff filed the original suit and for non appearance of the petitioner/defendant, the said suit came to be decreed exparte against the petitioner. For setting aside the said order, the petitioner filed an application with a condonation of delay petition. However, the said petition for condonation of delay was dismissed, which is not sustainable one. It is pertinent to note that time and again, applications for condoning the delay were dealt with leniently and allowed by the Apex Court as well as this Court by accepting the reasons.



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Hence, the dismissal of the application for condoning the delay is liable to be set aside.

7. Accordingly, the Civil Revision Petition is allowed and the order dated 24-02-2025 in I.A.No.320 of 2024 in O.S.No.22 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District, is set aside and the trial Court is directed to entertain the se aside application and after notice to the parties, restore the suit and dispose the same, after hearing the parties and pass appropriate orders, as expeditiously as possible. No costs. Consequently connected Miscellaneous Petition is closed.

24.06.2025

NCC : Yes/No
Index : Yes/No

RR
TO

1.The District Munsif cum Judicial Magistrate Court, Natham,
Dindigul District

2.VR Section
Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1520 of 2025**

Date : 24/06/2025