



C.R.P.(MD)No. 1970 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1970 of 2022

and

C.M.P.(MD)No.9042 of 2022

S.K.Karuppaiah @ Kokki Karuppaian

...Petitioner

Vs.

1.Velliammal

2.Subbaiah

3.Nachammal

4.S.Murugan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order dated 15.11.2021 passed in I.A.No.1 of 2019 in O.S.No. 165 of 2016, on the file of the District Munsif Court, Dindigul, by allowing the Civil Revision Petition.

For Petitioner : Ms.A.Arul Jenifer

For Respondents 1 to 3 : Mr.P.T.Ramesh Raja



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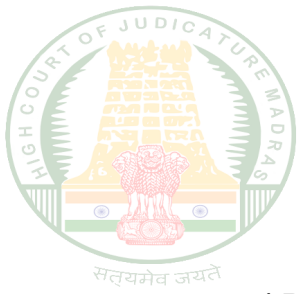
ORDER

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This petition has been filed seeking to set aside the Fair and Decreetal order dated 15.11.2021 passed in I.A.No.1 of 2019 in O.S.No. 165 of 2016, on the file of the District Munsif Court, Dindigul.

2.The petitioner is the first defendant in O.S.No.165 of 2016, on the file of the District Munsif Court, Dindigul and the said suit was decreed ex-parte on 02.12.2016. Aggrieved by the same, the petitioner / first defendant filed I.A.No. 1 of 2019, to set aside the ex-parte decree with a delay of 766 days under Section 5 of Limitation Act. The said I.A. came to be dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that the petitioner is in possession of the property for more than 60 years. However, the respondents 1 to 3 filed a vexatious suit as against the petitioner and fourth respondent which is not sustainable. Thereafter, an ex-parte decree came to be passed against the petitioner herein in the suit on 02.12.2016. Thereafter, the impugned I.A. came to be filed for condoning the 766 days delay. However, though proper explanation was offered by the petitioner, the same was rejected by the trial Court. Accordingly, he prays for appropriate orders.



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4.Per contra, learned Counsel for the respondents would submit that the respondents 1 to 3 are legal heirs of one Appuchi and in favour of the first respondent's husband Appuchi, the Harijan Welfare Tahsildar assigned a patta on 31.01.1970 in R.Dis.No.2289/66. Thereafter, the regular Tahsildar also issued patta in their favour. At that time, the petitioner being a distant relation of the first respondent's husband introduced the second defendant. Since the first respondent's husband secured a job in Trichy, the petitioner requested the first respondent's husband to give the house to the second defendant for rent and accordingly, the first respondent's husband rented it out for Rs.150 monthly rent. Thereby the first respondent's husband allowed the second defendant to occupy the property. However, subsequently, when the first respondent's husband asked the second defendant to vacate the premises, the second defendant refused to vacate the house stating that the petitioner / first defendant is the owner of the property and he has been paying rent to the petitioner / first defendant. Thereafter, the suit came to be filed and the said suit was decreed ex-parte. After the decree the second defendant vacated the property and the respondents 1 to 3 are in occupation of the property. At this point of time, the condonation of delay petition is filed by the petitioner / first defendant, without any proper explanation and thereby, the trial Court rightly dismissed the same, which need not be interfered with.



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5. Heard the learned Counsel on either side.

6. The facts in the present case are not in dispute. The suit was filed by the respondents herein in the year 2016 and the ex-parte decree came to be passed on 02.12.2016. However, the petitioner has taken steps to restore the suit, thereby 766 days delay occurred. Thereafter, the petitioner has filed a petition in I.A.No.1 of 2019 for condonation of delay. The trial Court rightly appreciated the facts of the case and having found that there are no merits in the petitioner's application, so also no reasons explaining the delay, rightly dismissed the said I.A., which need not be interfered with.

7. Recording the same, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The District Munsif Court,
Dindigul.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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