



C.R.P.(NPD)(MD).No.1800 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1800 of 2025

and

C.M.P.(MD)No.9830 of 2025

N.Natarajan

... Petitioner

Vs.

R.Rengasamy

... Respondent

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.927 of 2018 in O.S.No.447 of 2016 on the file of the Principal Sub Court, Dindigul dated 12.04.2022.

For Petitioner : Mr.S.Kishore Kumar
For Respondent : Mr.Shankar

ORDER

The present Civil Revision Petition is filed challenging the order passed in I.A.No.927 of 2018 in O.S.No.447 of 2016 on the file of the Principal Sub Court, Dindigul dated 12.04.2022.



C.R.P.(NPD)(MD).No.1800 of 2025

WEB COPY

2.The petitioner is the defendant in O.S.No.447 of 2016. The respondent/plaintiff filed a suit for specific performance. The said suit was decreed *ex-parte* on 19.08.2017. The petitioner filed an application to set aside the *ex-parte* decree with a delay of 12 days. The said condone delay application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.By consent of both parties, this Civil Revision Petition is taken up for disposal at the stage of admission itself.

4.The learned counsel for the petitioner submitted that the plaintiff in the suit made an allegation as against the petitioner as if the petitioner received a sum of Rs.4 lakhs from the plaintiff in the year 2013 in order to sell the property of the petitioner for a total consideration of Rs.7,50,000/- and entered into a sale agreement. Since the petitioner failed to execute the sale deed, the respondent filed a suit for specific performance. The said suit was decreed *ex-parte* without hearing the petitioner/defendant. Therefore, the petitioner filed an application to set aside the *ex-parte* decree only with the



C.R.P.(NPD)(MD).No.1800 of 2025

WEB COPY

delay of 12 days. The trial Court without considering the facts and circumstances of the case, has dismissed the petition.

5.The learned counsel for the petitioner further submits that no such agreement as alleged by the defendant was entered between the petitioner and the defendant. He would fairly submit that in order to show his *bona fide*, the petitioner is ready to pay a sum of Rs.10 lakhs before the trial Court.

6.The learned counsel for the respondent/plaintiff, who is a decree holder submitted that the respondent has given a sum of Rs.4 lakhs for purchasing his property for a total sale consideration of Rs.7.50 lakhs. Since the defendant failed to execute the sale deed, the defendant filed a suit in the year 2016. Thereafter, the respondent/plaintiff filed an execution proceedings and the Court has also executed the sale deed and the balance consideration amount of Rs.3.50 lakhs was also deposited in the petitioner's account, who in turn had withdrawn the said amount. At this stage, the petitioner has filed the present application to set aside the *ex-parte* decree and the same is not sustainable. Hence, the trial Court has rightly dismissed the said application.



C.R.P.(NPD)(MD).No.1800 of 2025

WEB COPY

7. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

8. Admittedly, the suit was decreed *ex-parte* as against the petitioner. The total sale consideration, as per the plaint averments, is Rs.7,50,000/- and the same was paid to the petitioner in two different periods, i.e., initially a sum of Rs.4 lakhs in the year 2013 and a sum of Rs.3.50 lakhs in the year 2017. By this time, if the minimum value of interest is fixed for the alleged sale consideration, it would come around Rs.15 lakhs,. However, the petitioner disputes the sale agreement itself. Hence, he seeks to set aside the *ex-parte* order and decide the suit on merits and in accordance with law. The petitioner also submits that he is ready to deposit a sum of Rs.10 lakhs before the trial Court to show his bona fide.

9. Considering the fair submission made by the learned counsel for the petitioner, this Court directs the petitioner/defendant to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of O.S.No.447 of 2016 on the file of the Sub Court Dindigul within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the trial Court is



C.R.P.(NPD)(MD).No.1800 of 2025

WEB COPY

directed to condone the delay and restore the suit on file and dispose of the suit on merits and in accordance with law after providing opportunity to all the parties concerned.

10. With the above direction, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ta

Note: Issue order copy on 26.06.2025

To

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



WEB COPY



C.R.P.(NPD)(MD).No.1800 of 2025

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.1800 of 2025

25.06.2025