



C.R.P.(PD)(MD)No.1712 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.1712 of 2025

and

C.M.P(MD) No.9256 of 2025

Nagendran

... Petitioner/Petitioner/
3rd Defendant

Vs.

Govindarajan

... Respondent/Respondent/
Plaintiff

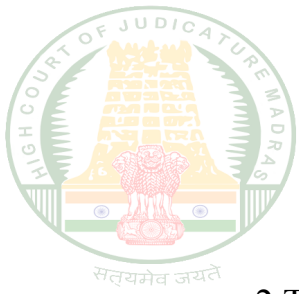
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order passed in I.A.No.3 of 2024 in O.S.No.21 of 2020, dated 26.02.2025 on the file of the District Munsif-cum-Judicial Magistrate, Singampuneri and set aside the same and allow the Civil Revision Petition.

For Petitioner : Mr.N.Tamilmani

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order passed in I.A.No.3 of 2024 in O.S.No.21 of 2020, dated 26.02.2025 on the file of the District Munsif-cum-Judicial Magistrate, Singampuneri.



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2.The petitioner is the third defendant in O.S.No.21 of 2020. The said suit was decreed *ex-parte* as against the petitioner/third defendant vide order dated 16.08.2019. Thereafter, the petitioner filed an application to set aside the *ex-parte* order in I.A.No.3 of 2024 with the delay of nearly five years. The said condone delay application was dismissed. Challenging the same, the petitioner has filed this Civil Revision Petition.

3.The learned counsel for the petitioner submitted that though there was a huge delay in filing the set aside the *ex-parte*, the suit is not yet disposed. Further, the respondent has not filed any objection in the form of counter, has dismissed the application to condone the delay in filing the set aside *ex-parte* application and the same is not sustainable. He would further submit that if the suit is allowed to be disposed without setting aside the *ex-parte* order granted as against the petitioner, then the petitioner will be put to great hardship. Hence, he seeks appropriate orders. He further submits that the petitioner is ready to pay the costs as fixed by this Court to the respondent.

4.Though notice is served on the respondent and the name of the respondent is printed in the cause list, none appeared on his behalf.



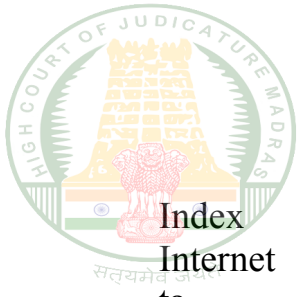
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5. Admittedly, the suit was decreed *ex-parte* as against the petitioner and an application to set aside the said *ex-parte* decree filed with the delay of five years was also dismissed. In any event, an *ex-parte* decree cannot be allowed to continue. If the *ex-parte* decree is sustained, it would cause serious prejudice to the petitioner.

6. Considering the fair submission made by the learned counsel for the petitioner, this Court directs the petitioner/defendant to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondent within a period of two weeks from the date of receipt of a copy of this order and file a proof of such payment before the trial Court. On filing such proof, the trial Court is directed to condone the delay in filing the set aside the *ex-parte* order and restore the suit on file dismissed as against the petitioner and dispose of the suit on merits and in accordance with law after providing opportunity to all the parties concerned within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025



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Index : Yes/No

Internet : Yes / No

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To

1.The District Munsif-cum-Judicial Magistrate,
Singampuneri.

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



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M.DHANDAPANI,J.

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