



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[NPD](MD)No.1869 of 2025

and

C.M.P.(MD)No.10357 of 2025

1.Vijayalakshmi

2.Puspan

...Petitioners

Vs.

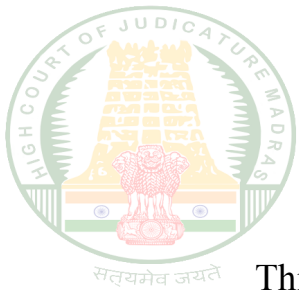
Palanivelu

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order in I.A.No.1 of 2022 made in O.S.No.606 of 2017 on the file of the Additional Sub Court, Karur, dated 11.06.2025 within the time frame fixed by this Court.

For Petitioners : Mr.R.Murali

For Respondent : Mr.I.Velpradeep



ORDER

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This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 11.06.2025 passed in I.A.No.1 of 2022 in O.S.No.606 of 2017 on the file of the Additional Sub Court, Karur, and to direct the trial Court to restore the suit to file and dispose of the same on merits within the time frame fixed by this Court.

2.The respondent/plaintiff filed a suit in O.S.No.606 of 2017 for recovery of money against the petitioners and another. The petitioners failed to appear before the trial Court, and an ex parte decree was passed on 15.07.2022. Thereafter, with a delay of 39 days, the petitioners filed I.A.No.1 of 2022 to set aside the ex parte decree. The said petition was dismissed on 11.06.2025, which is now under challenge in this Civil Revision Petition.

3. The learned counsel for the petitioners would submit that the petitioners could not appear before the trial Court due to genuine reasons and that the delay was neither intentional nor wanton. It is further submitted that the petitioners are willing to bear reasonable costs for the delay. Therefore, the dismissal of the petition to set aside the ex parte decree is not sustainable in law.



4. Per contra, the learned counsel for the respondent submitted that the suit is pending since 2017, and the ex parte decree was passed in 2022. The petitioners have been negligent and only filed the application belatedly to drag on the proceedings. Hence, he prayed for dismissal of the revision.

5. On perusal of the records and submissions made by both sides, it is clear that the ex parte decree was passed on 15.07.2022 and the petition to set aside the same was filed with a delay of 39 days. Though there is some delay, this Court is of the view that an opportunity should be given to the petitioners to contest the case on merits. The delay is not inordinate, and sufficient cause has been shown. Moreover, the petitioners have expressed their willingness to compensate the respondent. Therefore, in the interest of justice, this Court deems it fit to allow the Civil Revision Petition with costs.

6. The order dated 11.06.2025 passed in I.A.No.1 of 2022 in O.S.No.606 of 2017 by the Additional Sub Court, Karur is hereby set aside. The petitioners are directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondent as costs within a period of two weeks from the date of receipt of a copy of this order. Upon production of proof of payment, the trial Court shall restore the suit in O.S.No.606 of 2017 to file and proceed with the trial on merits. The trial Court is directed to dispose of the suit within a period of six months from the date of restoration.



7. Accordingly, the Civil Revision Petition stands allowed. No costs.

Consequently, the connected miscellaneous petition is also closed.

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Internet: Yes/No

Index: Yes/No

TSG

To

1. The Additional Sub Court, Karur.

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



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M.DHANDAPANI, J.

TSG

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