



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2374 & 2375 of 2025

and

C.M.P.(MD).Nos.14198, 14200, 14201 of 2025

S.Senthil Kumar

...Petitioner
in both petitions

Vs.

1.Murugan

P.Kathirvel (died)

2.K.Palani

3.K.Appadurai

4.Raju

5.Kamatchi

6.Mahalakshmi

7.Poongothai

8.Minor Harsha

9.Minor Lakshaya

(8th and 9th respondents represented by their mother / natural guardian
Poongothai / 7th respondent)



10. The Joint No.I Sub Registrar,
Thiruvannamalai,
Thiruvannamalai District.

11. S. Arunachalam

...Respondents
in both petitions

COMMON PRAYER: Civil Revision Petitions are filed under under Article 227 of the Constitution of India to set aside the fair and decreetal orders passed in I.A.Nos.1 and 3 of 2023 in O.S.No.6 of 2021 on the file of the Additional District Court (Fast Track Court), Kumbakonam dated 04.04.2025.

For Petitioner

: Mr.V.Karthikeyan
in both petitions

COMMON ORDER

These petitions have been filed to set aside the fair and decreetal orders passed in I.A.Nos.1 and 3 of 2023 in O.S.No.6 of 2021 on the file of the Additional District Court (Fast Track Court), Kumbakonam, dated 04.04.2025.

2. The petitioner herein filed a suit in O.S.No.6 of 2021 before the learned Additional District Judge (Fast Track Court), Kumbakonam, against one P. Kathirvel seeking to recover a sum of Rs.25,00,000/- based on a promissory note executed by him on 08.11.2018. The said P. Kathirvel remained exparte and the trial Court decreed the suit on 27.08.2021. Thereafter, one of the legal heirs of the deceased P. Kathirvel, namely Murugan filed an interlocutory application in I.A.No.1 of 2023 before the trial Court under Section 5 of the



Limitation Act to condone the delay of 569 days in filing a petition to set aside the exparte decree and judgment passed in O.S.No.6 of 2021, dated 27.08.2021, as against the deceased P. Kathirvel. He also filed another interlocutory application in I.A.No.3 of 2023 before the trial Court under Order XXII Rule 4 CPC to implead himself as a party to the proceedings and to bring on record the other legal heirs of the deceased Kathirvel as respondent Nos.3 to 10 in the above said suit. Both applications were allowed by the trial Court on 04.04.2025. Aggrieved by the same, the present Civil Revision Petitions have been filed.

3. The learned counsel for the petitioner submitted that during the pendency of the suit, the petitioner had also filed an interlocutory application under Order XXXVIII Rule 5 CPC for interim attachment. Even after the property had been attached, the trial Court, without considering this fact, allowed the interlocutory applications, which, according to the petitioner, is contrary to law and unsustainable.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. Considering the facts and circumstances of the case, it is seen that the petitioner filed a suit against one P. Kathirvel, which was decreed exparte.



Thereafter, on the death of P. Kathirvel, one of his legal heirs filed I.A.Nos.1 and 3 of 2023 seeking condonation of delay of 569 days in filing the petition to set aside the exparte decree and to bring on record the legal heirs of the deceased. This Court is of the considered view that the delay has to be condoned liberally. Hence, the orders passed by the trial Court do not warrant interference by this Court.

6. In view of the above, these Civil Revision Petitions stand disposed of. Liberty is also granted to the petitioner to file appropriate petitions before the trial Court to safeguard his interest in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

- 1.The Additional District Court, (Fast Track Court), Kumbakonam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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