



C.R.P.(PD)(MD).Nos.2086 and 2087 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.2086 and 2087 of 2025
and
C.M.P.(MD)No.12144 of 2025

Venkatesh Pandi

... Petitioner in both petitions

Vs.

C.R.Balu

... Respondent in both petitions

COMMON PRAYER: Civil Revision Petitions - filed under Section 115 of the Civil Procedure Code, to set aside the fair order passed in I.A.Nos.3 and 4 of 2025 in O.S.No.200 of 2014 dated 30.04.2025 on the file of the Sub Court, Sivagangai.

For Petitioner : Mr.V.S.Rishikesh

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed in I.A.Nos.3 and 4 of 2025 in O.S.No.200 of 2014 dated 30.04.2025.



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2.The petitioner is the plaintiff in the suit in O.S.No.200 of 2014 for specific performance. The said suit was decreed *ex-parte*. Therefore, the respondent/defendant filed applications in I.A.Nos.3 and 4 of 2025 for condoning the delay in filing an application to set aside the *ex-parte* decree and to set aside the *ex-parte* decree. Both the applications were allowed. Challenging the same, the petitioner/plaintiff has filed the present Civil Revision Petitions.

3.The learned counsel for the petitioner submitted that the respondent/defendant with the delay of 825 days filed the present applications to set aside the *ex-parte* decree, that too at the time of pending execution proceedings. There is no proper explanation for each and every day delay. In the absence of any proper explanation, the trial Court has condoned the delay and allowed the application filed to set aside the *ex-parte* decree and the same is not sustainable. Hence, he prayed for appropriate order.

4.Since no adverse order is going to be passed as against the respondent, notice to the respondent is dispensed with.



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5.The facts in the present cases are not in dispute. It is not disputed that the suit filed by the petitioner/plaintiff as against the respondent was decreed *ex-parte*. It is also equally undisputed that the application to set aside the *ex-parte* decree was filed with the delay of 824 days. The said applications were also allowed. Admittedly, the suits were decreed *ex-parte*. In any event, an *ex-parte* decree cannot be allowed to continue, since if the *ex-parte* decree is sustained, it would cause serious prejudice to the respondent. The trial Court has rightly appreciated the said issue and allowed the applications filed by the respondent.

6.Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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



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M.DHANDAPANI,J.

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