



CRP(MD). No.1944 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.1944 of 2022

1.Selvin Thiraviaraj

2.Asan Mohideen

... Petitioners

Vs

1.Manivannan

2.Baskaran

3.Indira

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to allow the civil revision petition by setting aside the fair and decreetal order passed in I.A.No.2 of 2021 in O.S.No.144 of 2013 on the file of the Sub-Court, Valliyoor dated 15-06-2022.

For Petitioner : Mr.H.Arumugam
For R1 : Mr.R.Anand
For R2 & R3 : Mr.S.Meenakchi Sundaram
Senior Counsel for
Mr.M.Sengu Vijay



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ORDER

This Civil Revision Petition is filed challenging the order made in I.A.No.2 of 2021 in O.S.No.144 of 2013 on the file of the Sub-Court, Valliyoor, dated 15.06.2022.

2.The petitioners are the plaintiffs in O.S.No.144 of 2013 on the file of the Sub Court, Valliyoor. The suit was filed for declaration that the general power of attorney dated 16.06.2006 bearing Doc.No. 137/2006 executed by the petitioners in favour of the first respondent/first defendant with respect to the schedule mentioned properties as cancelled and for other reliefs. The suit was dismissed for default on 16.04.2015. Subsequently, the petitioners/plaintiffs filed an application in I.A.No.2 of 2021 to restore the said suit with a delay of 1583 days. However, the same was dismissed by the trial Court, vide order dated 15.06.2022, stating that there is no valid reason to condone the delay. Challenging the same, the present Civil Revision Petition has been filed.



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3.The main reason assailed by the learned Counsel for the petitioners to condone the delay of 1583 days is that the petitioners filed the suit through a Counsel, but the counsel, due to ill-health, had not properly followed the case and also did not take any steps to set aside the *ex parte* decree, dated 16.04.2015. After the judgment was passed, the counsel had not informed the same to the petitioners also and therefore, the petitioners were not in a position to file any application to set aside the *ex parte* decree, dated 16.04.2015 immediately. Further, only after receiving the copy of the papers from the earlier counsel through another counsel, the petitioners came to know that the suit had already been dismissed for default on 16.04.2015 and immediately thereafter filed the application to restore the suit with delay.

4.The learned Counsel for the respondents submit that the suit was dismissed on the ground that the petitioners called absent on 16.04.2015 and the application to condone the delay of 1583 days and to restore the suit is filed nearly after a period of 6½ years from the date of the *ex parte* decree before the trial court. Therefore, the trial Court has rightly



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dismissed the application and hence, there is no reason to interfere with the orders of the trial Court.

5.This Court considered the rival submissions and perused the materials placed on record.

6.The petitioners/plaintiffs in the suit were set *ex-parte* on 16.04.2015 and the application to set aside the *ex-parte* decree and to restore the suit is filed with a delay of 1583 days ie., after a period of 6½ years from the date of the *ex parte* decree. It is to be noted that the reasons attributed by the petitioners for the delay of 1583 days to set aside the *ex parte* decree dated 16.04.2015 and to restore the suit are not satisfactory and acceptable. The trial Court, after considering the reasons stated by the petitioners, has rightly dismissed the application. This Court is also of the view that the reasons attributed by the Court below and the impugned order in rejecting the petitioners' application are all well-founded, which deserves no interference of this Court.



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7. For the aforesaid reasons, this Civil Revision Petition fails and is accordingly, dismissed. No costs.

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

The Subordinate Judge, Valliyoor.



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N.SENTHILKUMAR, J.

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