



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1968 of 2022

and

C.M.P.(MD).No.9024 of 2022

S.Kanagu

...Petitioner

Vs.

Kumara Vinobha (died)

1.A.K.V.Saroja

2.The Secretary,
Madurai Urban Co-operative Building Society Limited,
No.A-1055, Plot No.32, Anna Nagar,
Madurai-625 020.

...Respondents

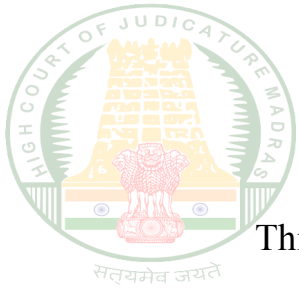
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.203 of 2020 in I.A.No.54 of 2019 in O.S.No.637 of 2010 on the file of the Sub Court, Melur, dated 31.08.2021.

For Petitioner : Mr.H.Arumugam

For R-1 : Mr.N.Anandhapadmanabhan,
Senior Counsel
for M/s.APN Law Associates

For R-2 : No Appearance

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ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 31.08.2021 passed in I.A.No.203 of 2020 in I.A.No.54 of 2019 in O.S.No.637 of 2010 on the file of the Sub Court, Melur.

2. The first respondent and the deceased Kumara Vinobha filed a suit in O.S.No.637 of 2010 seeking specific performance of a contract. The said suit was decreed ex parte on 09.12.2016, whereby the trial Court granted 45 days time to deposit the balance sale consideration of Rs.4,25,000/-. However, the petitioner was unable to obtain the certified copy of the decree within time and consequently could not deposit the amount as directed. Thereafter, the first respondent and the said Kumara Vinobha filed an application seeking permission to deposit the amount as per the decree, which was renumbered as I.A.No.54 of 2019. The said application was dismissed on 31.07.2019. Without challenging the said dismissal order, a review petition in I.A.No.203 of 2020 was filed under Section 115 CPC to review the order passed in I.A.No.54 of 2019 and the same was allowed on 31.08.2021. Aggrieved by the said order, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioner and the learned counsel for the first respondent, on instructions, submitted that this Court may direct the trial Court to restore the suit in O.S.No.637 of 2010 on the file of the Sub Court,



Melur, inasmuch as the ex parte decree was passed without filing any petition to set aside or to condone the delay, and dispose of the suit on merits within a time frame.

4. In view of the consent expressed by both counsels and in exercise of the powers under Article 227 of the Constitution of India, the ex parte decree dated 09.12.2016 passed in O.S.No.637 of 2010 on the file of the Sub Court, Melur, is hereby set aside. The trial Court is directed to restore the suit to file without insisting on any delay condonation or set-aside petition and dispose of the suit on merits and in accordance with law within a period of one year from the date of receipt of a copy of this order.

5. Accordingly, this Civil Revision Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

25.07.2025

Internet:Yes/No
Index:Yes/No
TSG
To

1.The Sub Court, Melur.

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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