



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2500 of 2022

Charles

...Petitioner

Vs.

Moorthi

...Respondent

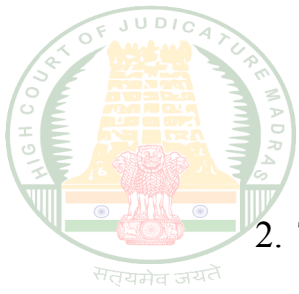
PRAYER: Civil Revision Petition is filed under Section 115 CPC to set aside the order made in I.A.No.2 of 2021 in O.S.No.492 of 2017 dated 01.09.2022 on the file of the Additional Sub Court, Dindigul, by allowing this Civil Revision Petition.

For Petitioner : Mr.A.R.Kannappan

For Respondent : Ms.A.Banumathy

ORDER

This Civil Revision Petition has been filed to set aside the order made in I.A.No.2 of 2021 in O.S.No.492 of 2017 dated 01.09.2022 on the file of the Additional Sub Court, Dindigul.



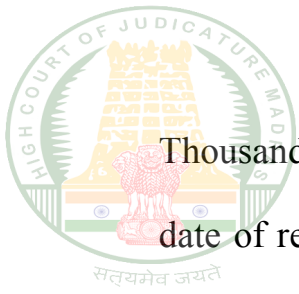
2. The respondent herein filed a suit in O.S.No.492 of 2017 before the trial Court seeking specific performance against the petitioner. The said suit was decreed ex parte on 16.04.2018. To set aside the said ex parte decree, the petitioner filed an interlocutory application in I.A.No.2 of 2021 before the learned Additional Sub Judge, Dindigul, under Order IX Rule 13 CPC, seeking condonation of delay of 646 days in filing the petition. However, by order dated 01.09.2022, the trial Court dismissed the said petition. Aggrieved thereby, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioner submitted that this Court may impose reasonable costs and permit the petitioner to contest the suit on merits by filing a written statement.

4. The learned counsel appearing for the respondent submitted that the petitioner failed to explain the delay properly and therefore, the order passed by the trial Court does not warrant interference.

5. I have considered the submissions made on either side.

6. In view of the facts and circumstances of the case, and in the interest of justice, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten



Thousand only) to the respondent within a period of four (4) weeks from the date of receipt of a copy of this order. On such payment and production of the receipt before the trial Court, the trial Court shall restore O.S.No.492 of 2017 to file, and proceed to dispose of the suit on merits and in accordance with law within a period of six (6) months from the date of restoration.

7. Accordingly, this Civil Revision Petition stands allowed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Additional Sub Court, Dindigul.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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