



C.R.P.(MD)No.3669 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3669 of 2025

and

C.M.P.(MD)No.19413 of 2025

1.The Tahsildar,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai.

3.The District Collector, Sivagangai.

... Petitioners

-VS.-

P.Ganesan

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the entire records relating to set aside order, dated 23.10.2025 passed in I.A.No.02 of 2025 in O.S.No.190 of 2010 on the file of the District Munsif Court, Sivagangai.



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For Petitioners :Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.P.Thambidurai
Government Advocate
For Respondent :Mr.T.Aswin Rajasimman

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned District Munsif, Sivagangai in I.A.No.02 of 2025 in O.S.No.190 of 2010, dated 23.10.2025.

2.Heard Mr.M.Ajmal Khan, learned Additional Advocate General assisted by Mr.P.Thambidurai, learned Government Advocate for the petitioners and Mr.T.Aswin Rajasimman, learned Counsel for the respondent.

3.The respondent is the plaintiff in the suit in O.S.No.190 of 2010 on the file of the District Munsif Court, Sivagangai. The petitioners are the defendants in the suit. The suit in O.S.No.190 of 2010 has been filed seeking a relief of declaration of the order passed by the second petitioner, dated



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20.11.2009 as null and void and for permanent injunction restraining the petitioners/defendants from interfering with the peaceful possession of the respondent/plaintiff in the suit property. The said suit was decreed *ex parte* vide judgment, dated 24.02.2011. The said judgment is extracted hereunder:

“This Suit is filed to declare that the order passed by the 2nd defendant with regard to the suit property on 20.11.2009 without proper enquiry is null and void and to grant permanent injunction from in any manner interfering with the peaceful possession and enjoyment of the plaintiff in the suit property till the order to be passed with costs of this Suit.

2.Plaintiff present and examined in PW.1 in chief through proof affidavit. Ex.A1 to Ex.A7 marked. Suit claim proved. Suit is decreed as prayed for with costs.”

4.Thereafter, the petitioners herein have filed an application in I.A.No.2 of 2025 under Section 5 of the Limitation Act and Section 151 of CPC to condone the delay of 5138 days to file a petition to set aside the *ex parte* decree passed by the Court below. The learned District Munsif, Sivagangai, vide impugned order, dated 23.10.2025, had dismissed the said application on the ground that the petitioners have not given any satisfactory reasons with sufficient cause for the inordinate delay of 5138 days in filing a petition to set



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aside the *ex parte* decree. Challenging the same, the present Civil Revision Petition has been filed.

5.Mr.M.Ajmal Khan, learned Additional Advocate General appearing for the petitioners submitted that the trial Court has examined PW-1 in chief and marked Ex-A1 to Ex-A7, however, the *ex parte* judgment do not reflect the contents of the plaint and the relevance of the documents, which were marked as Ex-A1 to Ex-A7 and without any discussion with regard to the above, the *ex parte* judgment has been passed. The learned Additional Advocate General further submitted that at the time of institution of the Original Suit, Kalaiyarkovil Taluk was not separated from Sivagangai Taluk and due to excessive workload in Sivagangai Taluk and the result of the transfer of the staff engaged in managing the judicial work, the petitioners could not file the written statement and only after the bifurcation of Sivagangai Taluk, the petitioners came to know about the passing of the impugned *ex parte* judgment. Hence, there is an inordinate delay in filing a petition to set aside the *ex parte* judgment. He further submitted that the Court below has failed to consider that the *ex parte* decree was void in form and defective in substance,



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warranting setting aside even after delay and that the administrative delay cannot be mechanically applied to a case involving government land cancellation proceedings, where public rights are affected.

6.The learned Additional Advocate General also submitted that a cryptic judgment cannot be passed, even if it is going to be an *ex parte* judgment, without any reference to the claim made in the plaint and the relevance to the documents marked as Ex-A1 to Ex-A7. The learned Additional Advocate General further submitted that as per Order 20 Rule 4 of CPC, judgment of a Court shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision. However, in the present case, the defendants were set *ex parte* and the trial Court did not frame any issue for deciding the suit and had simply examined PW-1 and marked Ex-A1 to Ex-A7 and has passed a cryptic judgment, which is contrary to the provisions of Order 20 Rule 4, 5 and 6 of CPC.

7.To strengthen his arguments, the learned Additional Advocate General relied upon the following judgments:



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1)The Hon'ble Supreme Court in the case of ***R.Hanumaiah and another vs Secretary to Government of Karnataka, Revenue Department and others***, reported in ***(2010) 5 SCC 203***, held as follows:

"19.Suits for declaration of title against the Government, though similar to suits for declaration of title against private individuals differ significantly in some aspects. The first difference is in regard to the presumption available in favour of the Government. All lands which are not the property of any person or which are not vested in a local authority, belong to the Government. All unoccupied lands are the property of the Government, unless any person can establish his right or title to any such land. This presumption available to the Government, is not available to any person or individual. The second difference is in regard to the period for which title and/or possession has to be established by a person suing for declaration of title. Establishing title/possession for a period exceeding twelve years may be adequate to establish title in a declaratory suit against any individual. On the other hand, title/possession for a period exceeding thirty years will have to be established to succeed in a declaratory suit for title against the Government. This follows from Article 112 of the Limitation Act, 1963, which prescribes a longer period of thirty years as limitation in regard to suits by the Government as against the period of 12 years for suits by private individuals. The reason is obvious. Government properties are spread over the entire State and it is not always possible for the Government to protect or safeguard its properties from encroachments. Many a time, its own officers who are expected to protect its properties and maintain proper records, either due to negligence or collusion, create entries in records to help private parties, to lay claim of ownership or possession against the Government. Any loss of government property is ultimately the loss to the community. Courts owe a duty to be vigilant to ensure that public property



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is not converted into private property by unscrupulous elements."

2)The learned Single Judge of this Court in the case of ***G.Selvam and others vs Kasthuri (Deceased) and others***, reported in ***2015-3-L.W.705***, held as follows:

"25.As per Order 20 Rule 4 of Civil Procedure Code, Judgments of the Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

26.In the case on hand, all the defendants were set exparte. The trial court did not frame any issue for deciding the suit. The trial court simply examined P.W. 1 and found that the claim made by him is proved. The judgment pronounced by the trial court is clearly contrary to the provisions of Order. 20 Rule 4 and Rule 5 of Civil Procedure Code.

27.In the judgment reported in 2012-3-L.W. 326; (2012) 5 SCC 265 C.N. Ramappa Gowda v. C.C. Chandregowda (dead) by LR., cited supra, the Hon'ble Supreme Court held that in a suit, where the defendants failed to file their written statement, the non-filing of the written statement should not have any penal consequences and the court should proceed cautiously and exercise its discretion in a just manner and even in the absence of written statement, burden of proof would remain on plaintiff and his mere assertion in plaint would not be sufficient to discharge the burden.

28.In that case, challenging a cryptic unreasoned judgment and decree, resulting from failure to file a written statement despite repeated opportunities having been given for the same, it has been held that the High Court was justified in remanding the matter to the lower Court for de novo trial by giving fresh opportunity to the defendants to file written



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statement.

29. Following the ratio laid down in the judgment reported in 2012-3-L.W. 326; (2012) 5 SCC 265 (Ramappa Gowda v. C.C. Chandregowda (dead) by LRs.), the Division Bench of this Court, reported in 2013-5-L.W. 468; 2013 (4) CTC 545 (Chitrakala v. P. Mahesh) (cited supra) (wherein, I was a party to the judgment), held that the burden of proof lies on plaintiff, irrespective of there being any Written Statement or evidence of rebuttal, plaintiff to succeed in Suit only on the basis of strength in his case and not on the basis of weakness in Defendant's case."

3)The learned Single Judge of this Court in the case of **R.Stella vs Antony Francis**, reported in 2019 SCC OnLine Mad 24941, held as follows:

"19.It is clear from the above judgments that where the defendant contests a suit or submits himself to a decree, it is the bounden duty of the trial Court to follow the procedure under Order XX Rule 4 of the Civil Procedure Code, by giving the concise statement of the case, the points for determination, the decision thereon and the reasons for such decision. If this is not satisfied and a cryptic unreasoned judgment is passed, it is ex facie illegal. When a Court considers an application for delay to set aside the exparte decree, this must also be taken into consideration. If the original judgment itself is ex facie illegal, it cannot be allowed to continue and under such circumstances, it will have a bearing, while the Court considers an application to condone the delay to set aside the exparte decree. The Court need not have a pedantic approach in this regard, since it involves the substantial right of the parties.

20. In this case, the cryptic judgment has resulted in the trial Court not even determining what is the balance amount that



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has to be deposited by the plaintiff. The plaintiff has assumed that it is only Rs. 2,50,000/- and the Court has also mechanically executed a sale deed and given possession to the plaintiff. This patent illegality has substantially affected the rights of the defendant in this case."

4)The learned Single Judge of this Court in the case of ***Chinna Manthadi (Died) and others vs N.Rosi Manthadi (Died) and others***, reported in ***2020 SCC OnLine Mad 4671***, held as follows:

7. The Hon'ble Supreme Court in M.K. PRASAD v. P. ARUMUGAM [CDJ 2001 SC 404] has held as under:

"8. In the instant case, the appellant tried to explain the delay in filing the application for setting aside the ex parte decree as is evident from his application filed under Section 5 of the Limitation Act accompanied by his own affidavit. Even though the appellant appears not to be as vigilant as he ought to have been, yet his conduct does not, on the whole, warrant to castigate him as an irresponsible litigant. He should have been more vigilant but on his failure to adopt such extra vigilance should not have been made a ground for ousting him from the litigation with respect to the property, concededly to be valuable. While deciding the application for setting aside the ex-parte decree, the court should have kept in mind the judgment impugned, the extent of the property involved and the stake of the parties. We are of the opinion that the inconvenience caused to the respondent for the delay on account of the appellant being absent from the court in this case can be compensated by awarding appropriate and exemplary costs. In the interests of justice and under the peculiar circumstances of the case we set aside the order impugned and condone the delay in filing the application for setting aside ex-parte decree. To avoid further delay, we have examined the



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merits of the main application and feel that sufficient grounds exist for setting aside the ex-parte decree as well.”

8. Further, a Division Bench of this Court in *MEENAKSHISUNDARAM TEXTILES v. VALLIAMMAL TEXTILES Ltd.* [[\(2011\) 3 CTC 168](#)] has held as under:

“6. In terms of the above provisions, every judgment should contain a concise statement of the case, the points for determination, decision thereon and the reasons for such decision. A judgment which does not contain the bare minimum facts, the point for determination, the evidence adduced and the application of those facts and evidence for deciding the issue would not qualify it to be called as “judgment”. The judgment should contain the brief summary of the facts, the evidence produced by the plaintiff in support of his claim and the reasoning of the learned Judge either for decreeing the suit or its dismissal. The Civil Procedure Code does not say that the Court is bound to grant a decree in case the defendant is absent. Judgment means cognitive process of reading a decision or drawing conclusion. Judgment is the basic requirement for a court and it means a decision or conclusion reached after consideration and deliberation. To put it differently, the basics of a judgment are to support by most cogent reasons that suggest themselves the final conclusion at which the Judge has conscientiously arrived.”

9. In the judgment of this Court in *N. MAHESWARI v. MARIAPPAN* [[\(2013\) 2 CTC 388](#)] it has been held thus:

“11. In so far as the case in hand is concerned, it is a typical example of mis-carriage of justice as the trial Court after framing three issues, did not discuss anything with regard to those issues by evaluating the evidence and simply decreed the suit in a slip-shod manner; that too, against the second defendant also when the plaintiff himself admits that he has not pressed the suit against the second defendant.

12. When such a judgment has been passed by the trial Court, this Court cannot close its eyes and direct the revision petitioner to go to the Appellate Court when the judgment and



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decree is apparently on the face of it illegal. Hence, I have no hesitation in exercising the powers under Article 227 of the Constitution of India in interfering with the judgment passed by the trial Court and the same is set aside as illegal and opposed to the provisions of C.P.C.”

10. In view of the above discussions, I am of the considered view that the judgment and decree passed on 04.10.2001 in O.S. No. 631 of 2001 does not stand to scrutiny in the eyes of law and it is liable to be set aside. Therefore, without wasting time in the process of condoning the delay and restoring the application and protracting the proceedings, the following orders are passed:—

(i) The order dated 07.03.2014 passed in the application filed to condone the delay of 2274 days delay in filing the application to set aside the exparte decree, in I.A. No. 321 of 2009 in O.S. No. 631 of 2001, is set aside and the application is allowed and the delay is condoned;

(ii) Considering the merits of the application to set aside the exparte decree and finding sufficient grounds, the exparte decree dated 04.10.2001 passed in O.S. No. 631 of 2001 is also set aside.

(iii) The Trial Court is directed to dispose of the suit, as expeditiously as possible, preferably within a period of three months from the date of resumption of physical hearing of the Courts.”

8. *Per contra*, Mr.T.Aswin Rajasimman, learned Counsel appearing for the respondent submitted that the respondent is a 79 years old and he has been granted with assignment patta. However, the same has been cancelled vide order of the second petitioner, dated 20.11.2009. Challenging the same, the



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respondent has filed the suit. However, the petitioners, who are the officials, did not appear before the trial Court and they were set *ex parte* and an *ex parte* judgment was passed. Further, after the inordinate delay of 5138 days, the petitioners have approached the Court below for filing a petition to set aside the *ex parte* judgment, in which the Court below has passed the detailed order, which needs no interference of this Court. Further, the respondent has also filed a Writ Petition before this Court in W.P.(MD)No.1595 of 2025, wherein, this Court, vide order, dated 24.01.2025, had directed the officials to grant patta to the respondent herein. However, only with an intention to defeat the order passed by this Court in W.P.(MD)No.1595 of 2025, dated 24.01.2025, the present application has been filed, which has been rightly dismissed by the Court below. Hence, he seeks dismissal of this petition.

9.This Court considered the submissions made on either side and perused the materials available on record.

10.It is not in dispute that the respondent was granted assignment patta and the same was cancelled by the second petitioner, vide order, dated



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20.11.2009. Challenging the said order, the respondent has preferred the suit in O.S.No.190 of 2010 before the District Munsif Court, Sivagangai. In the said suit, the respondent herein was examined as PW-1 in chief and on the side of the plaintiff/respondent, Ex-A1 to Ex-A7 were marked. However, the petitioners were set *ex parte* and the learned District Munsif has passed the *ex parte* judgment, dated 24.02.2011.

11.From the perusal of the judgment passed by the learned District Munsif, Sivagangai, in O.S.No.190 of 2010, dated 24.02.2011, it is to be noted that the learned trial Judge has not passed the judgment in consonance with Order 20 Rules 4, 5 and 6 of CPC. Further, it is to be noted that judgment of a Court, shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision. However, in the present case, the defendants were set *ex parte* and the trial Court did not frame any issue for deciding the suit and had simply examined PW-1 and marked Ex-A1 to Ex-A7 and has passed a cryptic judgment, which is contrary to the provisions of Order 20 Rule 4, 5 and 6 of CPC, which is *ex facie* illegal.



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12. With regard to the inordinate delay of 5138 days, this Court is of the view that it is the duty of the trial Court to follow the procedure under Order 20 Rule 4, 5 and 6 of CPC, by giving the concise statement of the case, the points for determination, the decision thereon and the reasons for such decision. If this is not satisfied and a cryptic unreasoned judgment is passed, it is *ex facie* illegal. When a Court considers an application for delay to set aside the *ex parte* decree, this must also be taken into consideration and if the original judgment itself is *ex facie* illegal, it cannot be allowed to continue and under such circumstances, it will have a bearing, while the Court considers an application to condone the delay to set aside the *ex parte* and that the administrative delay cannot be mechanically applied to a case involving government land cancellation proceedings, where public rights are affected.

13. In view of the discussions made above, the Civil Revision Petition is allowed and the order passed by the learned District Munsif, Sivagangai in I.A.No.02 of 2025 in O.S.No.190 of 2010, dated 23.10.2025 is set aside. As the suit is of the year 2010 and the respondent is 79 years old, the learned



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District Munsif, Sivagangai, shall conclude the entire trial proceedings within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

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To

The District Munsif, Sivagangai.



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N.SENTHILKUMAR, J.

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