



CRP(MD). No.3608 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/12/2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3608 of 2025
and
CMP(MD)No.19164 of 2025

Kaleeswari

... Petitioner

Vs

1. Vallinayagam

2. Thirumalai

3. Kumaravel

4. Kalimuthu

5. Gomathi

6. Karuppasamy

... Respondents

PRAYER :-

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to allow this civil revision petition by setting aside the fair and decretal order passed in I.A.No.01 of 2025 in O.S.No.251 of 2022 on the file of the Principal Sub Court, Tenkasi dated 12-09-2025.



CRP(MD). No.3608 of 2025

For Petitioner : Mr. T.Selvan,
Advocate.

For Respondents : Mr.D.Nallathambi for R1

ORDER

This Civil Revision Petition is filed to allow this civil revision petition by setting aside the fair and decretal order passed in I.A.No.01 of 2025 in O.S.No.251 of 2022 on the file of the Principal Sub Court, Tenkasi dated 12-09-2025.

2. Learned counsel for the petitioner submitted that the petitioner herein along with respondents 2 to 6 have filed the application in I.A.No. 1 of 2025, for condoning the delay of 838 days in preferring a petition to set aside the ex parte order passed against the petitioner.

3. It is seen that the trial court while dismissing the said application has taken into consideration that summons was served at the suit stage. And the same was received by the revision petitioner on 27/6/2022 and an exparte order was passed on 21/11/2022 and thereafter



CRP(MD). No.3608 of 2025

an EP.No.123 of 2023 was filed, where notice was issued to the Revision petitioner on 02/01/2023, where the revision petitioner refused to receive the summons. Thereafter, when the case was listed on 07.09.2023, the revision petitioner did not appear before the Court and thereafter, E.A.No.1 of 2024 was filed for possession. Even at that stage the revision petitioner did not appear and has filed an application to condone the delay of 838 days.

4. When the suit summon was served on the petitioner on 27/6/2022 in the EP, the revision petitioner had refused to receive the same and has now filed an application for condonation of delay. No reason was assigned for the delay that occurred. Even if the delay has been explained, when the revision petitioner having received the summons and deliberately not appeared before the court, and now at the present stage, in the absence of any valid reasons, the present application to condone the delay. Therefore, this Court is not inclined to interfere with the order of the Court below.



CRP(MD). No.3608 of 2025

5. Accordingly, this Civil Revision Petition is dismissed for want of merits. No costs. Consequently, connected miscellaneous petition stands closed.

10.12.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Principal Subordinate Judge, Tenkasi.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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CRP(MD). No.3608 of 2025

N.SENTHILKUMAR, J

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ORDER
IN
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Date : 10/12/2025