



C.R.P.(MD)No.3664 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3664 of 2025

G.Illamaran

... Petitioner

-VS.-

A.Muthulakshmi

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to set aside the order and decretal order, dated 10.10.2025 passed in I.A.No.1 of 2024 in O.S.No.255 of 2018 on the file of the Subordinate Court, Theni and allow the present Civil Revision Petition.

For Petitioner :Mr.L.Prabhu

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Theni in I.A.No.1 of 2024 in O.S.No. 255 of 2018, dated 10.10.2025.



C.R.P.(MD)No.3664 of 2025

2.Heard Mr.L.Prabhu, learned Counsel for the Revision Petitioner.

3.The respondent is the plaintiff in the suit in O.S.No.255 of 2018 on the file of the Subordinate Court, Theni and the petitioner herein is the defendant in the suit. The said suit has been filed for specific performance and for other reliefs. As the petitioner/defendant did not file a vakalat or any written statement, he was set *ex parte* and an *ex parte* preliminary decree was passed against the petitioner on 10.03.2020. Thereafter, the petitioner has filed an interlocutory application in I.A.No.1 of 2024 under Section 5 of the Limitation Act, to condone the delay of 1650 days in filing the petition to set aside the *ex parte* decree, dated 10.03.2020 on the ground of COVID-19 pandemic and the economical condition of the petitioner.

4.The learned Subordinate Judge, Theni, vide order, dated 10.10.2025, had dismissed the said application on the ground that only after the application in I.A.No.97 of 2020 was filed by the respondent/plaintiff for passing of final decree, this application to condone the delay in filing the petition to set aside the *ex parte* decree has been filed and the petitioner has not given explanation



C.R.P.(MD)No.3664 of 2025

for the inordinate delay of 1650 days for filing the petition to set aside the *ex parte* decree. Challenging the same, the present Civil Revision Petition has been filed.

5.The learned Counsel for the petitioner submitted that an *ex parte* order was passed by the trial Court without giving an opportunity to the petitioner and when the petitioner was unaware of the *ex parte* judgment, he had filed the application to set aside the same. The learned Counsel also submitted that due to COVID-19 pandemic and due to his avocation, the petitioner could not file the application in time and that there is a delay of 1650 days in filing the petition. However, the Court below had dismissed the application filed by the petitioner in a mechanical manner. The learned Counsel also submitted that the Court below has not considered the fact that the right to defend the suit should not be defeated by adopting pragmatic method. The learned Counsel also submitted that the final decree proceedings is now pending and without giving an opportunity to contest the suit, the Court below has dismissed the application filed by the petitioner, which will cause serious prejudice to the petitioner. Hence, he seeks interference of this Court.



C.R.P.(MD)No.3664 of 2025

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6.This Court considered the submissions of the learned Counsel for the petitioner and perused the materials available on record.

7.From the perusal of the materials available on record, it is to be seen that the petitioner has not given any valid reasons to condone the delay of 1650 days in filing the petition to set aside the *ex parte* decree. Further, the Court below has also considered the fact that the petitioner has filed the application only at the time of passing of final decree proceedings and that the petitioner has not produced any material to substantiate his case and after analysing the entire facts and materials available on record, the Court below has passed the well reasoned order, which needs no interference of this Court.

8.In the result, the Civil Revision Petition is dismissed for devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2025

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

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Page 4 of 6



C.R.P.(MD)No.3664 of 2025

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To

The Subordinate Judge, Theni.



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C.R.P.(MD)No.3664 of 2025

N.SENTHILKUMAR, J.

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C.R.P.(MD)No.3664 of 2025

09.12.2025
(2/2)