



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 09.01.2026

Order pronounced on : 30.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.M.P.No.765 of 2024

in C.R.P.SR.No.156463 of 2023

P.Krishnan

S/o.Pachiyapa Gounder (Late)

... Petitioner

Vs.

Thirupathi

S/o.Govindhasamy

... Respondent

Prayer in C.M.P.No.765 of 2024: Civil Miscellaneous Petition filed to condone the delay of 450 days in filing the above Civil Revision Petition.

Prayer in C.R.P.SR.No.156463 of 2023: Civil Revision Petition filed under Section 115 of C.P.C. to set aside the order and decretal order in I.A.No.138 of 2021 in O.S.No.148 of 2017, on the file of the Subordinate Court, Palacode, dated 14.06.2022.

For Petitioner : Mr.M.Muruganantham

For Respondent : Mr.K.Ramu
for Mr.P.M.Jayachandran



ORDER

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The Revision Petitioner is the defendant in O.S.No.148 of 2017, on the file of the Subordinate Court, Palacode. The defendant was set exparte and an application was filed in I.A.No.138 of 2021 for setting aside the exparte decree, along with an application for condonation of delay of 949 days. The said application came to be dismissed, on enquiry, by the Subordiante Court, Palacode, in and by an order dated 14.06.2022. Challenging the said order, the present Revision Petition has been filed, albeit with a delay of 450 days.

2.I have heard Mr.M.Muruganantham, learned counsel for the petitioner and Mr.K.Ramu, for Mr.P.M.Jayachandran, counsel for the respondent.

3.Learned counsel for the petitioner submitted that the petitioner is a coolie and his home town is at Gundankootai Village, however, he is working at Bangalore. His counsel had written to the petitioner calling upon him to be present before the Court on 18.06.2018, however, the petitioner did not receive the said letter, which resulted in the exparte decree being



passed. The learned counsel would further state that the signature in the alleged promissory note is denied and fair opportunity has to be given to the petitioner / defendant to contest the Suit on merits, and so far as the delay before this Court, the petitioner's counsel states that the petitioner was bed ridden and was recovering from jaundice, and therefore he was not in a position to prefer the Revision in time. The learned counsel therefore prays for the delay being condoned.

4.Per contra, Mr.Ramu, learned counsel for the respondent would submit that there is absolutely no reason assigned by the petitioner for condonation of delay of more than one year. He would also point out that even before the trial Court, at various stages, there have been attempts to protract the proceedings. Inviting my attention to various orders passed before the trial Court, the learned counsel for the respondent would contend that despite several opportunities and indulgence granted by the trial Court, the petitioner has not availed of the same and he is bent on protracting the proceedings, to defeat the decree granted in favour of the respondent.



5.I have carefully considered the submissions advanced on either side.

I have also gone through the affidavit filed in support of the petition filed for condonation of delay as well as the counter affidavit filed by the respondent.

6.As rightly contended by Mr.Ramu, learned counsel for the respondent, I am unable to see sufficient cause being shown or made out in the affidavit filed in support of the condonation of delay of 450 days, except that the petitioner is aged about 60 years and he was affected with jaundice, and therefore could not prefer the Revision in time.

7.Even before the trial Court, the petitioner has suffered an exparte decree for recovery of money and the petitioner was aware of the same despite the application filed to set aside the exparte decree, with an application to condone the delay. The petitioner has been callous at all points of time, including the filing of the Revision before this Court. The petitioner has not made out sufficient cause for being entitled to an order of condonation of delay.



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8. In light of the above, I do not find any merit or bonafides in the petition filed for condonation of delay, warranting exercise of discretion under Section 5 of the Limitation Act, 1963.

9. In fine, the above Petition stands dismissed. Consequently, the Civil Revision Petition stands rejected at SR stage itself. No costs.

30.01.2026

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P.B. BALAJI,J.

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Pre-delivery order made in
C.M.P.No.765 of 2024
in C.R.P.SR.No.156463 of 2023

30.01.2026