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CRP No. 1860 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1860 of 2026 and CMP No.8332 of 2026

1. R.Sivan,
S/o.Rathinasamy, Foreman Tamil Nadu
Electricity Board, Vellode Office within
Perundurai Taluk, Erode District.

Petitioner(s)

Vs

1. K.Chinnusamy,
S/o.Karuppanan, Residing at
Rasampalayam, Pongampaddi Village,
Vellode Via., Perundurai Taluk, Erode
District.

Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the order passed in I.A.No.1 of 2025 in O.S.No.58 of 2019 on the file of Sub Court, Perundurai dated 17.10.2025.

For Petitioner(s): V.S.Kesavan

For Respondent(s): Ms..R.Shase
For Mr.M.Guruprasad

ORDER

Challenging the order passed in I.A.No.1 of 2025 in O.S.No.58 of 2019, the defendant has filed the above revision.



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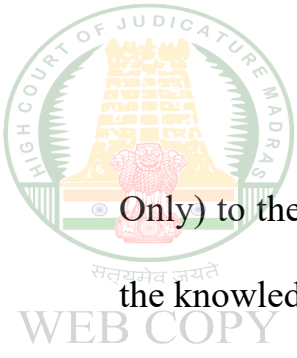
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2. Learned counsel for the petitioner/defendant submits that before the trial Court, the defendant has filed an application in I.A.No.1 of 2025 under Section 5 of Limitation Act to condone the delay of 325 days in filing the application to set aside the exparte decree passed in O.S.No.58 of 2019. The trial court allowed the application on condition to deposit half of the amount claimed in EP No.4 of 2023 within one month from the date of the order. Aggrieved by the order, the defendant has preferred the above revision.

3. Learned counsel for the respondent/plaintiff submits that after receipt of notice in the Execution Petition, the defendant has filed a petition to set aside the exparte decree and therefore, the order passed by the trial court does not require any interference.

4. I have heard the submissions of the learned counsel on either side and perused the materials available on record.

5. This Court, by order dated 09.04.2026 granted interim stay on condition that the petitioner deposits a sum of Rs.1,50,000/-(Rupees One Lakh Fifty Thousand



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Only) to the credit of O.S.No.58 of 2019 on or before 27.04.2026. Now it is brought to the knowledge of this Court that the conditional order has been complied with.

6. Admittedly, the suit in O.S.No.58 of 2019 is for recovery of money which was filed by the respondent/plaintiff and all these years, the plaintiff could not realise the decree. But, as on date, the revision petitioner/defendant has complied with the conditional order imposed by this Court. Therefore, to give one more opportunity, this Court is inclined to allow the revision.

7. Accordingly, the order passed in I.A.No.1 of 2025 in O.S.No.58 of 2019 is set aside and the civil revision petition is allowed. The trial Court is directed to dispose of O.S.No.58 of 2019 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. The respondent/plaintiff is permitted to withdraw the amount on filing undertaking affidavit.

No costs. Consequently, connected miscellaneous petition is closed.

12.06.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-speaking Order



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T.V.THAMILSELVI.,J

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To

The Sub Court, Perundurai

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