



WEB COPY

CRP No. 1169 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1169 of 2026
and CMP.No.5970 of 2026**

1. V.Perumalsamy
2. N.Prabakar

..Petitioner(s)

Vs

The Tahsildar
Taluk Office,
Cutchery Street,
Gobichettipalayam,
Erode District.

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India seeking to set aside the Fair and Final Order dated 20.11.2025 made in IA No.8 of 2024 in OS No.60 of 2021 on the file of the III Additional District Court, Gobichettipalayam.

For Petitioner(s):

Mr.Zeenath Begum

For Respondent(s):

ORDER

This Civil Revision Petition has been filed challenging the order dated 20.11.2025 passed in IA.No.8 of 2024 in O.S.No.60 of 2021 on the file of the III Additional District Court, Gobichettipalayam, whereby the learned Trial Judge allowed the application filed by the respondent to set aside the ex-parte decree.



2. The petitioners are the plaintiffs in O.S.No.60 of 2021 filed for declaration of title and permanent injunction in respect of the suit property.

Since the respondent failed to file written statement despite sufficient opportunities, the respondent was set ex-parte and an ex-parte decree came to be passed on 21.11.2022.

3. Thereafter, the respondent filed I.A.No.8 of 2024 seeking to set aside the ex-parte decree with a delay of 686 days. The said application was opposed by the petitioners on the ground that the delay was enormous and that no sufficient cause had been shown by the respondent.

4. The learned Government Advocate appearing for the respondent submitted that the respondent is a Government authority and due to lack of communication between the concerned departments and change of officers, the matter could not be properly attended to and therefore the written statement could not be filed within the time granted by the Court. It was further submitted that the respondent has substantial defence to put forth in the suit and unless an opportunity is granted, serious prejudice would be caused.

5. The learned Trial Judge, after considering the submissions made on either side, allowed the application on the ground that the dispute involved in the suit requires adjudication on merits and that the explanation offered by the respondent for the delay deserves acceptance.



6. This Court has carefully considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. It is well settled that while dealing with the application for setting aside an exparte decree with condonation of delay, the Court must adopt a liberal approach so that the parties concerned are given an opportunity to contest the matter on merits, unless the delay is found to be deliberate or lacking bona fide.

8. In the present case, the respondent has explained the delay by stating that due to the delay on account of administrative reasons, lack of communication and change of officers, the written statement could not be filed within the stipulated time. The Trial Court has rightly exercised its discretion in accepting the explanation offered by the respondent and therefore this Court does not find any perversity, illegality or infirmity warranting interference in the order passed by the Trial Court.

10. In view of the above, this Court is not inclined to interfere with the order passed by the Trial Court.



T.V.THAMILSELVI, J.

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11. Accordingly, the Civil Revision Petition stands dismissed.

However, considering the fact that the suit is of the year 2021, the III Additional District Court, Gobichettipalayam is directed to dispose of the O.S.No.60 of 2021 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Consequently, connected Civil Miscellaneous Petition is dismissed. No costs.

06-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

JAI

To

1. The Tahsildar
Taluk Office,Cutchery Street,
Gobichettipalayam,
Erode District.

2. The II Additional District Court, Gobichettipalayam.

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