



WEB COPY

CRP No. 1309 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

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

CRP No. 1309 of 2026

AND

CMP NO. 6368 OF 2026

M. Govindharajan
S/o. Muthusamy,
South Street,
Melakuppam Village,
Melakuppam Post,
Virudhachalam Taluk,
Cuddalore Dt.

..Petitioner(s)

Vs

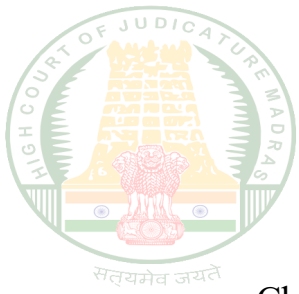
R. Ganesan
S/o. Rajenthiran,
No.212-B, Vigneshwar Nagar,
Old Neyveli,
Neyveli 607 802,
Virudhachalam Taluk,
Cuddalore Dt.

..Respondent(s)

PRAYER : Civil Revision Petition filed under Sec.115 of C.P.C., praying to set aside the Fair Order dated 04.09.2025 passed in IA No.1 of 2025 in OS No.53 of 2020 on the file of the Subordinate Judge, Neyveli and allow the CRP.

For Petitioner(s): Mr.V.Rajesh Babu

For Respondent(s): Mr.C.Munusamy



ORDER

Challenging the impugned order passed in I.A.No.1 of 2025 in O.S.No.53 of 2020 by the learned Subordinate Judge, Neyveli, the Revision Petitioner/Defendant had preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioner filed an application to condone the delay of 587 days for representing the petition filed under Order 9 Rule 13 of C.P.C. and that application was dismissed by the trial court on hearing both sides. Aggrieved over that, this Civil Revision Petition has been filed.

3.The learned counsel for Revision Petitioner would submit that immediately after coming to know about the exparte proceedings, he had filed an application to set aside the exparte decree along with counter statement. But, due to lack of communication from the earlier counsel and also misplacement of papers while shifting the office of the earlier counsel, he was not able to represent the application in time. So, there is a delay of 598 days arose and the said delay was neither wilful nor wanton, but without considering the same, the trial judge erroneously dismissed the said application and the trial court also not given proper opportunity to him. Hence, he prayed to give one more opportunity stating that he is the original owner of the suit property, against whom the



respondent/plaintiff filed the suit for the relief of specific performance and prayed to give one more opportunity to defend his case.

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4. The learned counsel for respondent/plaintiff raised strong objections stating that the suit is of the year 2020 and the notice was issued. He would submit that though the revision petitioner/defendant received the notice, he has not given reply and not deposited the amount and also not filed his counter statement. He would submit that though sufficient documents produced on the side of respondent/plaintiff and proved his case, he was dragged on from pillar to post. He would further submit that only to drag on the proceedings, now he came forward with the said application without any valid reason. Therefore, the trial court has rightly dismissed the application. Hence, he prayed to dismiss this Civil Revision Petition.

5. Heard and considered rival submissions made on either side and perused the materials available on record.

6. Considering both side submissions and on perusal of records, as on date, to set aside the exparte decree, the application was immediately filed by the revision petitioner/defendant along with counter statement, but that application was not represented due to lack of communication from the advocate office, for which, the parties should not be suffered. However, he is



having valid defence. So, in order to give one more opportunity and to protect the property, this Court is inclined to set aside the findings rendered in I.A.No.1 of 2025 in O.S.No.53 of 2020 by the learned Subordinate Judge, Neyveli and the said I.A. No.1 of 2025 is ordered to be allowed on condition that the Revision Petitioner/defendant shall pay the cost of Rs.10,000/- to the respondent/plaintiff within a period of two weeks from the date of receipt of copy of this order. On payment of such cost, the trial court is directed to dispose the application filed under Order 9 Rule 13 of C.P.C. Thereafter, the revision petitioner is directed to present his written statement and after framing of issues, the trial court is directed to dispose the suit on hearing both sides within a period of three months. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The Subordinate Judge, Neyveli.



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T.V.THAMILSELVI J.

RPP

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