



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3138 of 2026

and

CMP.Nos.13704 & 13706 of 2026

1. P.Senthilkumar
S/o Palanisamy, NO.7, Ramasamy
Goundar Layout, Thennampalayam
Extension, Tiruppur 641 407

Petitioner(s)

Vs

1. P.Viswanathan
S/o Ponnusamy, No.8/8A,
A.V.P.Layout, Gandhi Nagar, Tiruppur
641 603

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the impugned docket Order dated 20.02.2026 passed in IA.No.2 of 2025 in OS.No.16 of 2019 on the file of the Subordinate Court, Avinashi.

For Petitioner(s): MR.T.Balaji

For Respondent(s):

ORDER

Challenging the order allowing the application filed by the defendant in I.A. No.2 of 2025 for condonation of delay and setting aside the ex parte decree, which was allowed on payment of costs of Rs.5,000/-, the plaintiff has preferred the present revision.



2. The learned counsel for the revision petitioner submitted that nearly four years after the decree, the defendant came forward with the application and the same was allowed. He further submitted that the defendant appeared only during the execution proceedings and thereafter filed the application to set aside the ex parte decree.

3. Since the suit is one for specific performance, an opportunity ought to be given to the parties. The respondent/defendant is the owner of the property. Therefore, the trial Court allowed the application on payment of costs, which requires no interference.

4. However, considering the fact that the respondent came forward with the application only after the execution proceedings were initiated, this Court is inclined to enhance the costs from Rs.5,000/- to Rs.10,000/-. The respondent shall pay the said amount within a period of three weeks from the date of receipt of a copy of this order.

5. Since the suit was instituted in the year 20139, the trial Court is directed to dispose of the suit, after hearing both sides, within a period of four months.



6. With the above directions, this Civil Revision petition is disposed of.

Consequently, the connected miscellaneous petitions are closed. No costs.

WEB COPY

05-06-2026

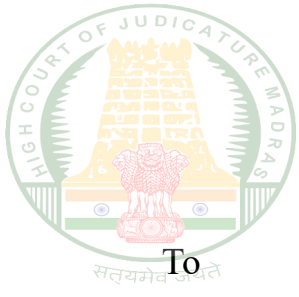
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri



CRP No. 3138 of 2026



To

WEB COPY

- 1.P.Viswanathan
S/o Ponnusamy, No.8/8A,
A.V.P.Layout, Gandhi Nagar,
Tiruppur 641 603.
- 2.The Subordinate Judget, Avinashi.
- 3.The Section Officer, VR Section,
High Court of Madras.



WEB COPY

CRP No. 3138 of 2026



T.V.THAMILSELVI J.
rri

CRP No. 3138 of 2026

05-06-2026