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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6074 of 2026

Case QR

CNR:{HCMA011010922026}

and CMP No. 26271 of 2026

1. Badrinath Venkatachari
   S/o P.N.Venkatachari,
   represented by their power agent,
   Prasad Venkatachari,
   No.101, Exchequers Court,
   4th Main Road Extension,
   Kottupuram, Chennai 600 085

2. M.P.Priyadharshini
   W/o Badrinath Venkatachari,
   represented by their power agent,
   Prasad Venkatachari,
   No.101, Exchequers Court,
   4th Main Road Extension,
   Kottupuram, Chennai 600 085

..Appellant(s)

Vs

S. Harish
S/o R.Saravanan,
F-3, Floor, Sree Ram Sundaram Aparments
11/4, KG.Nair Street, Dhanalakshmi Nagar,
Vadapalani, Chennai- 026.

..Respondent(s)

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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the Civil Revision petition and set aside the order dated 19.12.2025 passed in I.A.No.2 o 2024 in O.S.No.126 of 2019 on the file of Additional District Judge at Chengalpattu.

For Petitioner(s): Mr.K.D.Arun Kumar

For Respondent(s): Mr.M.V.Seshachari

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order dated 19.12.2025 passed in IA.No.2 of 2026 in O.S.No.126 of 2019 on the file of the Additional District Judge, Chengalpattu, wherein the application filed by the respondent/defendant under Section 5 of the Limitation Act to condone the delay of 440 days in filing the petition to set aside the ex-parte decree dated 29.06.2022 came to be allowed by the Court below by imposing cost.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of respondent and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

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3.The petitioner is the plaintiff who filed the suit for recovery of money along with interest. The summons was served on the respondent/defendant. In spite of the same, the respondent/defendant did not contest the suit and hence, an ex-parte decree came to be passed on 29.06.2022. Thereafter, an Execution Petition was also filed and the same was pending. The present application was filed to condone the delay of 440 days in filing the petition to set aside the ex-parte decree. The Court below has allowed the application by imposing costs of Rs.1000/-. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

4.In the considered view of this Court, even though the Court below wanted to give an opportunity to the respondent/defendant to contest the case, the costs that was imposed by the Court below is a flea-bite penality against the defendant. Therefore, this Court is inclined to modify the costs imposed by the Court below while sustaining the order passed by the Court below.

5.In the result, this Civil Revision Petition is disposed of in the following terms:

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(a)There shall be a direction to the respondent/defendant to deposit a sum of Rs.1,50,000/- to the credit of the suit in O.S.No.126 of 2019, within a period of four weeks from the date of receipt of copy of this order.

(b)There shall be a direction to the respondent/defendant to pay costs of Rs.2,500/- to the plaintiff, within a period of ten days from the date of receipt of copy of this order. The cost that has already been deposited by the respondent/defendant shall be permitted to be withdrawn.

(c)If the conditions imposed in clauses (a) and (b) are complied with, the Court below is directed to set aside the ex-parte decree and take the written statement on file.

(d)If the condition imposed by this Court in clauses (a) and (b) are not complied with, the petition to set aside the exparte decree shall stand dismissed.

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(e)If all the conditions are complied with and the suit is contested on merits, there shall be a direction to the Court below to dispose of the suit in O.S.No.126 of 2019, within a period of three months from January 2027.

No Costs. Consequently, the connected miscellaneous petition is closed.

12-11-2026

(2/2)

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

SSR

To

The Additional District Judge at Chengalpattu.

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N.ANAND VENKATESH J.

SSR

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