



C.R.P.No.2790 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2026

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

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Krishna Gounder

.. Petitioner

Versus

1. Dhandapani
2. Jayaraman
3. Arivazhagan @ Harivasan

4. Tamil Nadu Government
Rep. by Collector,
Thiruvannamalai.

5. The Tasildar,
Taluk Office,
Chengam.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in I.A.No.207 of 2011 in O.S.No.339 of 2005, dated 30.03.2012 passed by the Principal District Munsif-cum-Judicial Magistrate Court at Chengam and thereby allow the Civil Revision Petition.

For Petitioner : Mr.A.Rajeshkanna

For Respondents : No appearance for RR-1 to 3

: Mr.N.Muthuvel,
Government Advocate (Civil Side)
for RR-4 and 5



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ORDER

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This Civil Revision Petition is against the fair and decretal order, whereby, the Trial Court had dismissed the application to condone the delay of 1661 days in filing an application to set aside the *ex parte* decree.

2. Mr.A.Rajeshkanna, learned Counsel for the petitioner submits that the sons of the petitioner, who are the respondent Nos.1 to 3, had filed a suit for declaration, permanent and mandatory injunction against the petitioner. He submits that no summons were served upon him and was also an ailing patient. Due to his non-appearance, the suit was decreed *ex parte* and hence, he had taken out an application to set aside the *ex parte* decree which had been dismissed by the Court below on the ground that the petitioner had not produced any documentary or oral evidence to substantiate the reasons to set aside the *ex parte* order. He submits that he had given cogent reasons as to why it had necessitated to condone the delay in setting aside the *ex parte* decree. According to him, the reasons given by the petitioner had been overlooked by the Court below in dismissing the petition and he seeks indulgence of this Court.



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3. On the other hand, Mr.N.Muthuvel, learned Government Advocate (Civil Side) for the respondent Nos.4 and 5 submits that no reasons had been attributed by the petitioner. He submits that the suit came to be decreed *ex parte* in the year 2006 and the petitioner claims to have knowledge only in the year 2010, but, the said application itself had been filed only in the year 2011 that too without subscribing any reasons whatsoever for the delay from the date of knowledge to the date of filing. He submits that the summons were served on the petitioner in the suit and in fact, he engaged an Advocate and took time for filing counter and the written statement in the Interlocutory Application and in the suit. Having failed to respond to the suit by filing a proper written statement, the petitioner was set *ex parte* and therefore, the petitioner had come with unclean hands. Hence, he seeks dismissal of the Civil Revision Petition.

4. I have considered the arguments made by the learned Counsel appearing on either side and perused the material records of the case.

5. The suit is filed by the respondent Nos.1 to 3, who are the sons of the petitioner, who had originally executed a settlement deed in their favour and cancelled the same. The suit is for declaration that the



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unilateral cancellation of the sale deed is bad and for declaration of their title. It is the case of the respondents that the petitioner had been served with summons and had engaged an Advocate and had not filed any written statement in the suit. The petitioner had not attempted to produce any document particularly the records of the suit to indicate that the summons were not served upon him that too when there is a specific allegation that he had received the summons in the suit and had also entered appearance through a Counsel. A reading of the affidavit filed in support of the application to condone the delay would also indicate that the petitioner had knowledge of the suit, in which, *ex parte* decree was in the month of November, 2010, but, had only approached the Court in the month of April, 2011 to file the said application. No cogent reasonings have also been given by the petitioner for the delay in filing the application at least from the month of November, 2010. He had himself admitted that the certified copy of the order was made ready on 08.12.2010 and even then, no reasons have been attributed for the delay. It has been repeatedly held that to condone the delay, reasonings to support the bonafide delay should be made. No such reasonings have been given by the petitioner for this Court to appreciate his claim to condone the delay.



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6. For the aforesaid reasons, I do not find any merit in the Civil

Revision Petition. Accordingly, this Civil Revision Petition is dismissed.

There shall be no order as to costs.

02.04.2026

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

The

1. The Principal District Munsif-cum-Judicial Magistrate,
Chengam.
2. The Collector,
Thiruvannamalai.
3. The Tasildar,
Taluk Office,
Chengam.



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K.KUMARESH BABU, J.,

grs

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