



WEB COPY

CRP No. 2980 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

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

CRP No. 2980 of 2026

AND

CMP NO. 12379 OF 2026

Deva Charles
S/o. Arul Mariyanathan,
No.2, Sengamedu Street,
Varadharajanpettai,
Andimadam Taluk,
Ariyalur District.

..Petitioner(s)

Vs

Selvamani
S/o. Muthukumarasamy,
No.1007, West Street,
Tholudur,
Cuddalore District.

..Respondent(s)

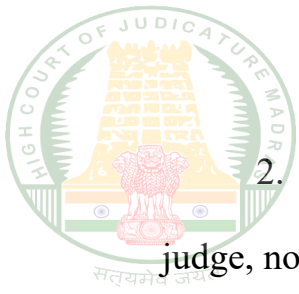
PRAYER

Civil Revision Petition filed under Sec.115 of C.P.C., praying to set aside the fair and decreetal order dated 23.02.2026 passed in IA No.5 of 2025 in OS No.31 of 2024 on the file of the Principal District Court, Ariyalur and allow the CRP.

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

ORDER

Challenging the impugned order passed in I.A.No.5 of 2025 in O.S.No.31 of 2024 by the learned Principal District Judge, Ariyalur, the Revision Petitioner/plaintiff had preferred this Civil Revision Petition.



2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

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3. Before the trial court, the respondent/defendant filed an application in I.A.No.5 of 2025 under Sec.5 of Limitation Act to condone the delay of 242 days in order to set aside the exparte decree and the same was allowed by the trial judge holding that in order to give one more opportunity, the application was allowed. Aggrieved over that, the revision petitioner/plaintiff preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that before the trial court, he took necessary steps to serve the summons, but he was not inclined to appear and file his written statement. So, after due execution of summons, he obtained the decree. Now, at the stage of execution proceedings, he came forward with the petition to condone the delay and the same was allowed by the trial judge in order to give one more opportunity. The learned counsel would also submit that the reason for the delay as stated by him is not justifiable one, but without appreciating the same, it was allowed. Hence, he prayed to set aside the findings rendered by the trial judge.

5. On perusal of records, the fact reveals that the Revision Petitioner/Plaintiff filed the suit in O.S.No.31 of 2024 against the respondent/defendant for recovery of money based on the cheque issued for a sum of Rs.20,00,000/- and also obtained exparte decree, since the respondent/defendant has not appeared. Thereafter, he came to know that the



respondent/defendant was employed as a Teacher and gave V.R.S. and obtained retirement benefits also. However, Earned Leave proceedings alone was attached by the plaintiff through the execution proceedings. Thereafter, he filed the application to set aside the exparte decre. Now, the trial judge had condoned delay in filing the application to set aside the exparte decree, which is under challenge. The reasons assigned by the trial judge is justifiable, since he wanted to give one more opportunity to contest the case to the respondent/defendant. However, on seeing the conduct of respondent/defendant, this Court is inclined to confirm the order passed by the trial judge in I.A.No.5 of 2025 in O.S.No.31 of 2024 by imposing the condition that he shall deposit a sum of Rs.2,00,000/- into the credit of O.S.No.31 of 2024 before the trial court within a period of eight weeks from the date of receipt of copy of this order. Thereafter only, he is entitled to proceed with the trial. With that direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

01-06-2026

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

RPP

To

The Principal District Court, Ariyalur.



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T.V.THAMILSELVI J.

RPP

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