



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM:

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A.No.6229 of 2025

in

C.S.No.656 of 2019

1.K.Saraswathy
2.K.Naresh Kumar
3.K.Nandhini

...Applicants/2nd to 4th Defendants

vs.

1.M.Raman
2.R.Karupayi

...1st Respondent/Plaintiff
...2nd Respondent/1st Defendant

For Applicant : M/s.R.Rajesh Vivekananthan

For R1 : Mr.A.Swaminathan

ORDER

Heard.

2. This application has been filed by defendants 2 to 4 to condone the delay of 942 days in filing the application to set aside the ex parte decree dated 14.12.2021 passed in C.S.No.656 of 2019.



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3. The suit is one for declaration of title and consequential injunction in respect of immovable property. The applicants state that, on receipt of summons, they had entrusted the matter to an advocate, believing that necessary steps would be taken in the suit. the applicants had been pursuing the matter and that the delay is attributed to the manner in which the proceedings were handled on their behalf. It is their further case that thereafter they took steps to secure the papers and engage new counsel.

4. On the contrary, the respondent/plaintiff vehemently opposed the allowing of the petition, relying on the judgments in *K.S. Rajendhiran v. Dr. M.R. Muralikrishnan & Another*, *Mohd. Sahid & Others v. Raziya Khanam (D) through LRs. & Another*, and *Lakshmi (died) & Others v. T. Radhakrishnan & Others*.

5. Though the delay is considerable, the explanation offered by the applicants cannot be said to be wholly lacking in bona fides. In a matter concerning rights over immovable property, it would be appropriate to afford the parties an opportunity to have the matter adjudicated on merits, subject to terms.



6. At the same time, the plaintiff cannot be prejudiced by the applicants' delay. Therefore, this Court is of the view that the delay can be condoned on terms.

7. In the result, this application is allowed on condition that the applicants pay a sum of **Rs.10,000/-** as costs to the respondent/plaintiff within a period of two weeks from the date of receipt of a copy of this order. On such payment, the delay of 942 days in filing the application to set aside the ex parte decree dated 14.12.2021 shall stand condoned.

8. Consequently, the Registry is directed to number the application to set aside the ex parte decree, if it is otherwise in order, and post the same for consideration on 17.04.2026.

07.04.2026

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DR.A.D.MARIA CLETE, J.

nvi

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