



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 474 of 2026

AND

CMP NO. 2630 OF 2026

1. V.S.Shaheera Basheer,
W/o. M. Basheer Ahmed, No.14, New
No.28, New Mohalla, Mosque Street,
Pallikonda, Vellore Taluk and District.

Petitioner(s)

Vs

1. B. Sukumar,
S/o. P.R. Balakrishna Gounder,
No.56/1, Bangalore Road, Vellore Taluk
and District.

2.D.C. Raja,
S/o. D. Chandirasekar Chettiar,
No.57/2-A, Bangalore Road, Vellore
Taluk and District.

Respondent(s)

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PRAYER

To set aside the fair and decretal order dated 06/03/2024 passed in I.A.No.487/2014 in O.S.No.95/2011 on the file of the Subordinate Court, Katpadi, Vellore District by allowing the above Civil Revision Petition and pass such further or other orders in the interests of justice and circumstances of the case.

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For Petitioner(s): MR.D.Thirumoorthy

For Respondent(s): Mr.M.Sathishkumar For R1

**ORDER**

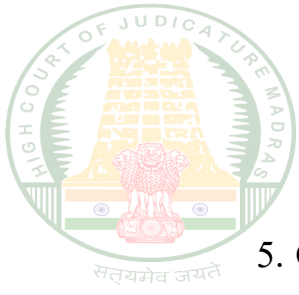
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This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 06/03/2024 passed in I.A.No.487/2014 in O.S.No.95/2011 on the file of the Subordinate Court, Katpadi, Vellore District.

2. The petitioner herein filed I.A.No.487/2014 in O.S.No.95/2011 on the file of the Subordinate Court, Katpadi, Vellore District seeking to condone the delay of 585 days in filing the petition to set aside the exparte decree dated 29.10.2012. Upon hearing both sides, the Trial Court dismissed the application stating that the petitioner has failed to explain the huge days of delay. Aggrieved over the same, the petitioner filed this Civil Revision Petition.

3. The learned counsel for the petitioners submit that due to lack of communication between the petitioner and his counsel the petitioner has not able to follow the suit. He seeks one more opportunity to contest the case and the petitioners are the owners of the property. Hence, he prays to allow this civil Revision Petition.

4. The learned counsel for the respondent raised objection stating that near about 1 year later the petitioner filed the written statement and also the defendant has not cooperate for the Trial proceedings. After filing execution petition, the petitioner filed this petition. Hence, he prays to dismiss the petition.



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5. Considering the facts of the case it is the suit for specific performance and the petitioner is owner of suit property. If the opportunity is not given to the petitioner his valuable right to defend the case will be defeated. Accordingly, I.A No. 487 of 2014 is allowed with condition that the petitioner shall pay a cost of Rs.6,000/- to the respondent's counsel within a period of 2 weeks. Further, the Trial court is directed to dispose of suit within a period of 3 months from the date of receipt of a copy of this order.

6. In the result, this Civil Revision Petition is allowed. No costs. Pending petition if any, is closed.

04-06-2026

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Subordinate Court, Katpadi, Vellore District.
2. The Section officer, V. R Section, High court, Madras.



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T.V.THAMILSELVI J.
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