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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 30-10-2026**

**CORAM**

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**CRP No. 3387 of 2023**
CNR:{HCMA011594832023}
**AND**
**CMP NO. 21047 OF 2023**

Subedar Khan
S/o.Ibrahim Khan,
Odaikara Street,
Ariyalur Taluk and District.

...Petitioner/
Respondent/
Plaintiff

Vs

Ramraj
S/o.Marimuth Gounder,
National Highway Road,
Valikandapuram, Veppanthattai Taluk,
Perambalur District.

...Respondent/
Petitioner/
Defendant

**PRAYER**:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure 1908, praying to set aside the order and decree dated June 13, 2023, made in I.A.1 of 2022 in O.S.No.1 of 2016, on the file of the Principal Sub Court, Ariyalur and allow the above Civil Revision Petition.

For Petitioner(s): Ms.B.N.Sivagama Sundari

For Respondents: No appearance



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**ORDER**

No representation on behalf of the respondent. Despite sufficient opportunities granted, the respondent has not chosen to appear.

**2.** This Court has perused the order passed by the trial Court. The revision petitioner herein is the plaintiff and the respondent herein is the defendant. The revision petitioner filed a suit against the defendant seeking a money decree for a sum of Rs.9,81,537.50/-. The said suit was decreed *exparte* on December 16, 2016. Thereafter, the defendant filed an application under Section 5 of the Limitation Act seeking to condone the delay of 2,015 days in filing the application to set aside the *exparte* decree. The trial Court, after hearing both sides, allowed the application on condition that the defendant shall pay a sum of Rs.3,000/- to the plaintiff on or before July 3, 2023. Aggrieved by the said order, the plaintiff has filed the present Civil Revision Petition.

**3**. As stated supra, despite sufficient opportunities having been granted and the name of the learned counsel for the respondent having been printed in the cause list, neither the respondent nor the learned counsel appearing on behalf of the respondent has chosen to appear before this Court and contest the present Civil Revision Petition.



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**4**. This Court has perused the order passed by the trial Court in I.A. No.1 of 2022. The reasons stated in the affidavit are not sufficient to condone the inordinate delay of 2,015 days. However, with a view to give an opportunity to the defendant to contest the suit on merits and in the interest of justice, this Court is inclined to modify the order passed in I.A. No.1 of 2022 by imposing appropriate conditions.

**5.** In the result, the Civil Revision Petition is partly allowed, modifying the order passed by the trial Court in I.A. No.1 of 2022, subject to the following conditions:

(i) The respondent/defendant shall deposit 25% of the decree amount, together with accrued interest thereon calculated up to the date of filing of the application under Order IX Rule 13 of the Code of Civil Procedure, 1908, before the trial Court, within a period of 30 days from the date of receipt of a copy of this order. In default of compliance with the said condition, I.A. No.1 of 2022 shall stand dismissed automatically, without any further reference to this Court.



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(ii) Considering the facts and circumstances there Shall be no order as to costs.

(iii) Consequently, the connected civil miscellaneous petition is closed.

**30-10-2026**

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

JRS

To
1.The Principal Sub Court, Ariyalur.

**2**.Ramraj
S/o.Marimuth Gounder,
National Highway Road,
Valikandapuram,
Veppanthattai Taluk,
Perambalur District.



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**R.SAKTHIVEL J.**

**JRS**

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