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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 5682 of 2026
and CMP No. 24522 of 2026

CNR: {HCMA011799132026}

Nanjundan
S/o. Gopal Gounder,
Door No.4A,
Panjapalli Road,
Sawthiyapatti,
Jothi Nagar,
Vallalar Thirukoil,
Marandahalli PO
Palacode Taluk,
Dharmapuri Dt.

..Petitioner(s)

Vs

P. Govindharajan (Died)

1. G.Jeevajothi
   W/o. Govindharajan,
   D.No.2/90,
   Chikkamarandahalli Village,
   Marandahalli,
   Palacode Taluk,
   Dharmapuri District.

2. G.Kalpana
   W/o. Kumaran,
   D.NO.7/56,
   Muniyappan Kovil Street,
   Palacode Taluk,
   Dharmapuri District.

3. G.Kalaiarasi
   W/o. Sivakumar,
   No.3/1691-2,
   New Colony,
   Vennampatti Road,

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Dharmapuri Taluk and District.

4. M.Chitra
   D/o. Govindharajan,
   Door No.1-93A,
   Chikkamarandahalli Village,
   Marandahalli,
   Palacode Taluk,
   Dharmapuri District.

5. J.Sharmila
   W/o. Janarthanan,
   Door NO.3/345,
   CMK Nagar,
   Seelnayakanpatti,
   Dhasanayakkanpatti,
   Salem District.

6. G.Karthikeyan
   S/o. Govindharajan,
   Door NO.1-93A,
   Chikkamarandahalli Village,
   Marandahalli,
   Palacode Taluk,
   Dharmapuri District.

7. G.Jeevakrishnan
   S/o. Govindharajan,
   Door NO.1-93A,
   Chikkamarandahalli Village,
   Marandahalli,
   Palacode Taluk,
   Dharmapuri District.

8. N.S.Sathiyamoorthy
   S/o. Sambath Chettiar,
   No.21B Balasubramani Street,
   Marandahalli Post,
   Palacode Taluk,
   Dharmapuri District.

9. The Branch Manager
   Tamilnadu Industrial Investment Corporation,

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DDC Building,
Melmadi,
Pennagaram Road,
Dharmapuri District.

10. Murugesan
S/o. Kutti Udaiyar,
No.168,
Muthu Udaiyar Street,
Marandahalli,
Palacode Taluk,
Dharmapuri District.

11. R.Krishnakumar
S/o.Ramalingam,
Door No.26/8
Marandahalli Main Road,
Palacode Taluk,
Dharmapuri District.

12. R.Nirmala
W/o. Rajasekaran,
No.183E,
Sathiram Street,
Marandahalli,
Palacode Taluk,
Dharmapuri District.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.06.2026 in IA No.26 of 2019 in OS No.129 of 2002 on the file of the Subordinate Judge, Palacode and thus render justice.

For Petitioner(s): Mr.R.Selvakumar

For Respondent(s): Mr.B.Kumarasamy for R1 to R7
R8 to R12 - Notice Dispensed With
Vide Court Order Dt. 18.09.2026

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ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 06.06.2026 passed in IA No.26 of 2019 in OS No.129 of 2002 on the file of the Subordinate Judge, Palacode, wherein the application filed by the 5th defendant and his legal representatives under Section 5 of the Limitation Act to condone the delay of 523 days in filing the petition to set aside the ex-parte decree came to be allowed by the Court below.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of respondents 1 to 7 and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioner is the plaintiff who filed the suit in O.S.No.129 of 2002, seeking for the relief of declaration to declare the auction conducted by the 3rd respondent/1st defendant as null and void, cancellation of the Sale Certificate issued in favour of the 1st defendant on 22.11.1996 and for permanent injunction.

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4.The 5th defendant filed the application to condone the delay of 523 days in filing the petition to set aside the ex-parte decree. Upon his demise, his legal heirs were brought on record.

5.The Court below allowed the application on the ground that an opportunity must be given to the defendants to prosecute the suit and the Court below also imposed the condition of payment of costs of Rs.20,000/- to the plaintiffs. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

6.The main ground urged on the side of the petitioner is that there was absolutely no reason to condone the exorbitant delay of 523 days in filing the application to set aside the ex parte decree. The 5th defendant was only a subsequent purchaser of the property from defendants 2, 3 and 4 and the Court below had improperly exercised its discretion and allowed the application.

7.The Court below took into consideration the nature of relief that has been sought for by the plaintiff. The Court below also took into consideration the fact that the plaintiff will get the opportunity to establish their case by adducing evidence and advancing their contentions in accordance with law and an opportunity must be given to the 5th defendant to contest the case to render a

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substantial justice. Considering the delay, the Court below also imposed costs of Rs.20,000/- payable by the defendants to the plaintiffs.

8.The Court below has properly exercised its discretion and the order does not suffer from any perversity warranting interference of this Court.

9.In the light of the above discussion, the order dated 06.06.2026 in IA No.26 of 2019 in OS No.129 of 2002 on the file of the Subordinate Judge, Palacode, is confirmed and this Civil Revision Petition stands dismissed and the Court below is directed to dispose of the suit in O.S.No.129 of 2002, within a period of six months from the date of receipt of copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

27-10-2026

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

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To

The Subordinate Judge, Palacode.

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N.ANAND VENKATESH, J.

SSR

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