



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 507 of 2024

Natarajan
S/o. Swaminathapadaiyatchi, Irumbulikulurichi
Village, Sendurai Taluk, Ariyalur District.

..Petitioner(s)

Vs

1. Manimegalai
W/o. Natarajan, Vennankurichi Village,
Irumbulikulurichi Village, Sendurai Taluk,
Ariyalur District.
2. Rani, W/o. Kumar, Kamandi Kovil Street,
Irumbulikulurichi Village, Sendurai Taluk,
Ariyalur District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 23.08.2023 made in I.A.No. 1/2021 in O.S.No. 41/2011 on the file of the Principal Subordinate Court, Ariyalur.

For Petitioner(s): Ms. D.Kamatchi

For Respondent(s): Ms. Usha Ramman



ORDER

WEB COPY This Civil Revision Petition is filed challenging the order passed by the Trial Court, allowing the application filed by the respondents seeking to condone the delay of 1472 days in filing a petition to set aside the exparte decree.

2. The petitioner herein/plaintiff filed the suit for specific performance against the respondents/defendants. In the said suit, exparte decree was passed on 09.10.2017, as the respondents failed to appear for cross examination of PW1. Subsequently, instant application has been filed by the first respondent/ first defendant in the suit on 17.11.2021 seeking to set aside the exparte decree along with a petition to condone the delay in filing the said petition. The Trial Court was pleased to allow the condone delay petition. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that exparte decree was passed against the petitioners on 09.10.2017 and the petition to set aside the exparte decree was filed only on 17.11.2021 with enormous delay and further, the first respondent has not given any convincing reason for condoning the delay. Therefore, the impugned order passed by the Trial Court is liable to be set aside.



4. It is seen from the typed set of papers that the petitioner, in his pleadings admitted that the first respondent herein is his second wife. Though the petitioner disputed the legal status of the first respondent as wife, in the pleadings itself he admitted that the first respondent was his second wife. Therefore, the close relationship between the petitioner and the first respondent is an admitted fact. In the affidavit filed in support of the condone delay petition, it was stated by the first respondent that she and the petitioner herein had lived together at Chennai from 25.02.2015 to 20.05.2020. In view of the cordial relationship prevailed between the petitioner and the first respondent, at that point of time, the petitioner assured that he would withdraw the suit and believing his words, she failed to take steps to contest the suit by contacting her counsel. The Trial Court, taking into consideration the close relationship between the parties, believed the averments made by the first respondent in her affidavit regarding assurance given by the petitioner to withdraw the suit and allowed the condone delay petition.

5. The Trial Court, taking into consideration the close relationship between the parties, exercised its discretion in favour of the first respondent and condoned the delay. Hence, I don't want to interfere with the said order.



6. Further, the Trial Court allowed the application by imposing costs of Rs.2,000/-. Taking into consideration the length of delay, this court feels that the respondents shall be directed to pay enhanced sum of Rs.10,000/- as costs.

7. Accordingly, this civil revision petition stands disposed of by modifying the condition imposed by the Trial Court by enhancing the costs imposed by the Trial Court to Rs.10,000/-. The first respondent shall deposit the said sum of Rs.10,000/- (Rupees ten thousand) to the credit of O.S.No.41 of 2011, within three weeks from the date of receipt of copy of this order. In case, the first respondent failed to deposit the enhanced costs, the I.A.No.1 of 2021 shall stand automatically dismissed. On compliance of the condition imposed, the I.A.No.1 of 2021 shall stand allowed and the Trial Court is directed to proceed further in accordance with law. There shall be no order as to costs. Connected miscellaneous petition is closed.

23-01-2026

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

MST

To

The Principal Subordinate Judge,
Ariyalur.



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S.SOUNTHAR, J.

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