Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6869 of 2026
C.M.P.No.29527 of 2026

CNR: {HCMA012417022026}

R.Jagannathan

..Petitioner(s)

Vs

1. P.G.Sharanya Priyadharshini
2. K. Sri Ramulu
3. A. Suburathinammal
4. State Bank of India
   Stressed Assets Recovery Branch (S.A.R.AB),
   Red Cross Building, No.32,
   Montieth Road, Egmore, Chennai 600 008

5. Rajendran
6. Gopi

7. A. R. Apsar
   Hasain Engineering Works
   Welding Shop,
   Plot No.25, Shri Krishns Nagar Annexe,
   Koduvelli, Chennai 600 055.

8. The Sub Registrar
   Arani.

9. The District Collector
   Tiruvallur.

..Respondent(s)

Prayer:- Civil Revision Petition filed under Section 115 of Code of Civil Procedure, pleased to set aside the Impugned Fair and Decreetal Order dated 22.09.2026 passed in I.A.No.2 of 2023 in O.S.No.52 of 2017 on the file of the learned Subordinate Judge, Thiruvallur.

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For Petitioner(s): Mr.S.Viswanathan
For Respondent(s): Mr.P.Sunil
Government Advocate for R8 and R9

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking to condone the delay of 1083 days in filing petition to set aside ex-parte decree passed against him.

2.The first respondent herein filed a suit for declaration and injunction. In the said suit due to the failure of the petitioner to file written statement he was set ex-parte and subsequently an ex-parte decree was passed against him on 13.08.2019. Thereafter, the petitioner filed instant application seeking to set aside the ex-parte decree along with application to condone the delay of 1083 days. These applications were filed by the petitioner only on August 2022. The condone delay petition was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

3.The learned counsel appearing for the petitioner by taking this Court with affidavit filed in support of the condone delay petition would submit after receiving the suit summons through petitioner's tenants he engaged a counsel by name Raj Vigneswar to contest the case. Whenever the petitioner enquired about the status of the case he was informed that due to the Covid out break, no

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cases were called in the open Court. Subsequently, the petitioner again received a notice from the Court and the same was handed over to the counsel. Later the petitioner received information from his tenants that some third parties came to the suit property and asked them to vacate. Thereafter, the petitioner verified the status of the case and found ex-parte decree was passed against him as early as August 2022. Immediately steps have been taken to set aside the ex-parte decree. The learned counsel submits that the petitioner believed the words of his Advocate and due to mis-information given to the petitioner he has not taken steps to set aside the ex-parte decree.

4.It is seen from the typed set of papers, petitioner clearly admitted he received suit summons through his tenants. It is also admitted petitioner engaged one Advocate to contest the case. The ex-parte decree was passed against the petitioner as early as 13.08.2019, well prior to the Covid period. Therefore, the reasoning given by the petitioner as if his counsel informed him that due to Covid out break cases were not called in open Court cannot be accepted. Further petitioner also received notice in the Execution Petition. Even after receipt of notice in the Execution Petition the petitioner has not cared to verify the status of the original suit. He simply engaged the very same Advocate. From the averments found in the affidavit of the petitioner, it is clear he has not taken any steps from 2019 to 2022 to verify the status of the case. The reason given by the petitioner that he believed the words of his Advocate

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cannot be accepted to condone the inordinate delay of 1083 days. The trial Court rightly appreciated the facts of the case and refused to condone the delay. I do not find any serious error in the impugned order. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

30-10-2026

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

EP
To:-
The Subordinate Judge, Tiruvallur.

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S.SOUNTHAR, J.

EP

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