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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos.7252 & 7256 of 2026
C.M.P.Nos.31267 & 31273 of 2026

CNR: {HCMA012531192026}

1. Selvam
2. Sekar

Case QR

..Petitioner(s)
in both C.R.P's

Vs

K.Dhanapal

..Respondent(s)
in both C.R.P's

Prayer in C.R.P.No.7252 of 2026:- Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, pleased to set aside the order dated 21.8.2026 passed in I.A.No.58 of 2026 in O.S.No.23 of 2015 by the learned District Munsif Cum Judicial Magistrate, Portonova, Cuddalore District and allow the present CRP.

Prayer in C.R.P.No.7256 of 2026:- Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, pleased to set aside the order dated 21.08.2026 passed in I.A.No.59 of 2026 in O.S.No.23 of 2015 by the learned District Munsif Cum Judicial Magistrate, Portnova, Cuddalore District and allow the present CRP.

In Both C.R.P's:-

For Petitioner(s): Mr.K Balakrishnan

COMMON ORDER

The Civil Revision Petitions are filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking to condone

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the delay of 3652 days in filing a petition to set aside the ex-parte decree and also the separate application filed to set aside the ex-parte decree.

2.The respondent herein filed a suit for declaration of title and other reliefs against the petitioners. The said suit was decreed ex-parte on 09.02.2016. The petitioners filed an application to set aside the ex-parte decree along with an application to condone the delay of 3652 days. Both applications were dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

3.The learned counsel for the petitioners by taking this Court to the affidavit filed in support of condone delay petition would submit that the counsel engaged by the petitioners did not inform the result of the suit to the petitioners and hence they could not take steps to set aside the ex-parte decree immediately.

4.As mentioned above, the ex-parte decree was passed against the petitioners on 09.02.2016. The present applications were filed only on 11.03.2026. Therefore, it is clear that after engaging counsel to contest the suit the petitioners did not take any care to follow the litigation and they failed to contact their counsel for nearly ten years. A litigant is expected to contact trial Court counsel frequently. The petitioners who slept over their rights for nearly

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ten years cannot put the entire blame on their counsel and attempt to explain the inordinate delay of 3652 days. The reason given by the petitioners to condone the delay of 3652 days is not at all sufficient. The trial Court rightly appreciated the same and dismissed the condone delay petition. I do not find any error in the said order passed by the trial Court. Hence, C.R.P.No.7252 of 2026, which is filed against the dismissal of the condone delay petition, stands dismissed.

5.In view of the dismissal of condone delay petition, no further orders are necessary in the other Civil Revision Petition filed by the petitioners challenging the dismissal of the application to set aside the ex-parte decree. Hence, the other C.R.P.No.7256 of 2026 is also dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

20-11-2026

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

EP
To:-
The District Munsif Cum Judicial Magistrate,
Portnova, Cuddalore District.

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S.SOUNTHAR, J.

EP

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