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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6995 of 2026
C.M.P.No.30053 of 2026
CNR: {HCMA012575962026}

V.Shivakumar

Case QR

..Petitioner(s)

Vs

Srikanth Krishnan

..Respondent(s)

Prayer:- Civil Revision Petition filed under Section 115 of Code of Civil Procedure, pleased to allow the above Civil Revision Petition by setting aside the fair order dated 12.10.2026 in I.A.No.4 of 2026 in O.S.No.3049 of 2025 on the file of the XIX Additional City Civil Court, Chennai and allow the I.A.No.4 of 2026 in O.S.No.3049 of 2025 with costs.

For Petitioner(s): Mr.G.V.Sridharan

For Respondent(s): M/s.T.K.S.Gandhi

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 128 days in filing application to set aside the ex-parte decree passed in the suit.

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2.The respondent herein filed a suit seeking recovery of possession and for recovery of arrears of license fee / rent to the tune of Rs.2,10,500/-. The said suit was decreed ex-parte on 05.02.2026. Thereafter, the petitioner filed an application to set aside the ex-parte decree along with petition to condone the delay of 128 days in filing such application. By the impugned order, the trial Court dismissed the condone delay petition. Aggrieved by the same, the petitioner has come before this Court.

3.The learned counsel for the petitioner would submit at the relevant point of time he was affected by ill health and hence prevented from appearing before the Court. It is further stated due to the serious health issue suffered by the petitioner he could not contact his counsel and give suitable instructions to take immediate steps to set aside the ex-parte decree.

4.The learned counsel for the respondent would vehemently opposed this Revision on the ground earlier petitioner filed an application to set aside the ex-parte order passed against him in I.A.No.3 of 2025 and the said application was allowed by trial Court on 24.10.2025 on condition petitioner to pay costs of Rs.2000/-. However, the petitioner failed to comply with the condition and hence the application was dismissed. Subsequently, the suit was proceeded and ex-parte decree was passed on 05.02.2026. Therefore, according to the learned

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counsel, the petitioner was aware of the suit proceedings and the present application filed by him is only an attempt to drag on the proceedings.

5.In the affidavit filed in support of the condone delay petition, it was asserted by him that at the relevant point of time he was suffering from illness and hence could not appear before the Court and give suitable instructions to his counsel to take steps to set aside the ex-parte decree. Having regard to the length of the delay and also relief sought for in the suit, this Court feels an opportunity shall be given to the petitioner to contest the case on merits. It is also stated petitioner already filed written statement along with Order IX Rule 13 application.

6.Taking into consideration the facts and circumstances of the case, the Civil Revision Petition stands allowed on condition petitioner shall pay a cost of Rs.50,000/- directly to the respondent on or before 30.11.2026 and further condition that the petitioner shall deposit a sum of Rs.2,10,500/- to the credit of O.S.No.3049 of 2025 on the file of XIX Additional City Civil Court, Chennai, on or before 30.11.2026. Failing which Civil Revision Petition shall stand automatically dismissed. On compliance, the trial Court is directed to take up order IX Rule 13 application and dispose it of in accordance with law within a further period of two weeks from 30.11.2026. In case, Order IX Rule 13 application is allowed, the trial Court shall take up the suit and dispose it of in

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Order QR

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accordance with law within a further period of six months. It is made clear the amount directed to be deposited by the petitioner to the credit of O.S.No.3049 of 2025 shall be disbursed as per the decree passed in the main suit. No costs and connected Civil Miscellaneous Petition is closed.

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

EP

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To:-

1.XIX Additional City Civil Court,
Chennai.

2.XXVII Assistant City Civil Court,
Chennai.

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S.SOUNTHAR, J.

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