WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

Case QR

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6996 of 2026 and

CMP No.30056 of 2026

CNR: {HCMA012614462026}

P. Karthikeyan, S/o M.P.Periyasamy,
Kamaraj Nagar Colony,
South Diwan Thottam, Salem 636 014.

..Petitioner(s)

Vs

S.V. Senthilkumar, S/o S.M.Vadivelu,
D.No.70 Muthusamy Street,
Shevapet, Salem 636 002.Salem

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 115 of CPC to set aside the order and decretal order dated 10.08.2026 passed by the Principal Subordinate Judge, Salem, in I.A.No.1 of 2020 in O.S.No.281 of 2017.

For Petitioner(s): Mr. S.Kaithamalai Kumaran

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner seeking to condone the delay of 861 days in filing petition to set aside the exparte decree passed on 11.06.2018.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The respondent herein/plaintiff filed a suit in O.S.No.281 of2017 and obtained an exparte decree against the petitioner/defendant on 11.06.2018. The petitioner filed an application to set aside the exparte decree along with the instant application to condone the delay of 861 days in filing set aside petition. The said condone delay petition was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner by taking this court to the affidavit filed in support of the condone delay petition would submit that though the petitioner was served with suit summons, he could not appear before the court due to his avocation, as he was out of his native place and working in Kerala State and also his employer did not permit him to attend the court. Therefore, there was a delay in filing set aside petitioner.

4. It is seen from the typed set of papers and impugned order that the petitioner was set exparte as early as in the year 2017 and the petition filed by him to set aside the exparte order in I.A.No.584 of 2017 was dismissed for default on 17.04.2018 itself. Thereafter, the petitioner waited for passing exparte decree. Even after passing of the exparte decree, the petitioner has not filed the application immediately to set aside the exparte decree, whereas, he

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

filed the same with a delay 861 days. Therefore, it is clear that the petitioner acquired knowledge about the exparte proceedings as early as in the year 2017 and though he filed an application to set aside the exparte order, he has not taken any steps to participate in the proceedings and the same was dismissed for default in the year 2018. Even after passing of the exparte decree, the petitioner failed to file the petition immediately and he waited for more than two years and then filed the instant application. Considering the conduct of the petitioner and the vague reasons stated in affidavit, the Trial Court rightly came to the conclusion that the reasons assigned by petitioner were not sufficient to condone such inordinate delay of 861 days. I do not find any error in the impugned order.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

04-11-2026

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

To

The Principal Subordinate Judge, Salem.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.SOUNTHAR, J.

MST

CRP No. 6996 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis