



WEB COPY

CRP Nos. 5616 & 5617 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP Nos. 5616 & 5617 of 2025

and

CMP.No.28127 of 2025

G.Venugopal,
S/o.T.T.Girirajan, B-2, Anathi Apartments, No.33,
Salai Street, Mylapore, Chennai -600 004.
Presently residing at Krishna Sarathy Apartments,
9C, No.196-197, Royapettah High Road,
Mylapore, Chennai -600 004.

..Petitioner(s) in both
CRP.

Vs

1. Manjula Venugopal,
D/o.Late Satya Narayanan, Temporarily
residing Flat B-5, Ananthi Apartments, No.7,
Salai Street, Mylapore, Chennai 600 004.
Permanently Residing at No.9, Raj Apartments,
Kuppusamy Layout 46th Street, Nanganallure,
Chennai -600 061.
2. The Sub-Registrar,
Mylapore Sub-Registration Office, Santhome
High Road, Mylapore, Chennai -600 004.
3. The Inspector of Police (Law and Order)
E-1, Mylapore Police Station, Mylapore,
Chennai -600 004.

..Respondent(s) in both
CRP.

**PRAYER in CRP.No.5616 of 2025**

Civil Revision Petition filed under Article 227 of Constitution of India, praying to Set aside the order dated 08.09.2025 passed by the Honble V Additional City Civil Judge at Chennai in I.A.No.4 of 2025 in I.A.No.1 of 2024 in O.S.No.2010 of 2019 and thus render justice.

PRAYER in CRP.No.5617 of 2025

Civil Revision Petition filed under Article 227 of Constitution of India, praying to Set aside the order dated 08.09.2025 passed by the Honble V Additional City Civil Judge at Chennai in I.A.No.5 of 2025 in I.A.No.2 of 2024 in O.S.No.2010 of 2019 and thus render justice.

In both CRPs.

For Petitioner(s):	MR.R.Chandra Sudan
For Respondent(s):	MR.C.UMASHANKAR FOR R1
	MS.S.YOGALAKSHMI AGP FOR R1 AND R2

COMMON ORDER

Challenging the impugned order passed by the Trial Judge in I.A. Nos.1 and 2 of 2024, the plaintiff has filed I.A. Nos.4 and 5 before the Trial Court seeking to set aside the order condoning the delay passed by the Trial Judge. The said applications were dismissed after hearing both sides. Aggrieved by the same, the present revisions have been filed.



2. The learned counsel submits that, before the Trial Court, the respondent/wife had filed I.A. Nos.1 and 2 of 2024 seeking to condone the delay of 897 days and to set aside the ex parte decree. When the matter was taken up, the plaintiff was not able to appear. Without assigning any proper reasons, the Trial Judge allowed the applications on payment of costs.

3. The learned counsel further submits that even though he was absent, the respondent/defendant was bound to assign reasons for the delay and explain each and every day's delay. However, no such reasons were offered. Without considering the same, the Trial Judge allowed the applications, which is erroneous. Therefore, he seeks to set aside the order passed in the said I.As. However, no opportunity was given, and the Trial Judge erroneously dismissed I.A. Nos.4 and 5 of 2025, which were filed to set aside the impugned order.

4. The learned counsel for the respondent submits that, during the COVID period, she was not able to appear. Therefore, she filed applications to condone the delay. On the date when the applications were taken up, the plaintiff was absent. Therefore, the Court passed orders on merits after discussing the reasons for the delay. Hence, he prayed to dismiss the revisions as devoid of merits, contending that the Trial Judge had rightly dismissed I.A. Nos.4 and 5 of 2025.



5. Considering the submissions made on either side, it is seen that the revision petitioner, as plaintiff, filed O.S. No.210 of 2019 for declaration, stating that he is the absolute owner of the entire suit property. However, the respondent/wife claimed that she has a half share in the suit property and that the property was jointly purchased by both of them. Since she remained absent before the Trial Court, an ex parte decree came to be passed.

6. The learned counsel for the respondent submits that notice was not served on her and, therefore, she was not able to appear before the Court. However, she filed an application to condone the delay of 897 days, and the same was allowed by the Trial Judge on payment of costs. Immediately thereafter, the respondent sent the cost amount to the plaintiff/revision petitioner, but he refused to receive the same. Thereafter, he filed the present applications in I.A. Nos.4 and 5 of 2025 seeking to set aside the said order.

7. Considering the facts and circumstances of the case, the Trial Judge held that the cost had already been paid and the ex parte decree had also been set aside. As on date, the case is posted for cross-examination of P.W.1. Admittedly, as per the sale deed, the suit property was purchased by both the petitioner and the respondent/wife. Therefore, an opportunity ought to be given to the defendant to prove her claim before the Trial Court.



8. Hence, this Court is not inclined to interfere with the order passed by the Trial Judge. The revisions are devoid of merits. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

04-06-2026

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

MPA

To

1. The V Additional City Civil Judge at Chennai
2. The Sub-Registrar,
Mylapore Sub-Registration Office, Santhome
High Road, Mylapore, Chennai -600 004.
3. The Inspector of Police (Law and Order)
E-1, Mylapore Police Station, Mylapore,
Chennai -600 004.
4. The Section Officer, VR Section, High Court,
Madras.



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T.V.THAMILSELVI, J.

MPA

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