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CRP No. 5670 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-02-2026**

CORAM

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**CRP No. 5670 of 2025 and CMP No.28347 of 2025**

1. P.K.Vidhiyasagar  
S/O. Krishnamoorthi, No.461/1, Abirami  
Nagar, Gandhi Nagar, Thirupur Taluk,  
Thirupur District.

Petitioner(s)

Vs

1. S.Sathish  
S/O. Senniyappan, No.12/28, Kallapachi  
Street, Rakkiyapalayam Village, Avinashi  
Taluk, Thirupur District.

Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the order and decreetal order in I.A.No.1 of 2023 in O.S.No.446 of 2022 on the file of Additional Sub Court, Tiruppur dated 19.03.2024.

For Petitioner(s): R.Poornima

For Respondent(s): M/s.P.Tamilavel

**ORDER**

Heard Ms.R.Poornima, the learned counsel for the petitioner and Mr.P.Tamilvel, learned counsel for the respondent.



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2. The petitioner has preferred this revision under Section 115 of Civil Procedure Code, seeking to set aside the order in I.A.No.1 of 2023.

3. Learned counsel for the petitioner states that the trial court has exercised discretion judiciously and allowed the application subject to payment of cost of Rs.3,000/-. However, for the reasons beyond the control of the petitioner, the cost could not be paid in time, which resulted in dismissal of I.A.No.1 of 2023. Learned counsel for the petitioner states that opportunity may be given considering the fact that the petitioner has suffered an accident and even written statement has been filed.

4. Per contra, learned counsel for the respondent opposes the very maintainability of the revision on the ground that the order was passed on 19.03.2024 and the petitioner applied for a copy only on 24.10.2025 and the copy was made ready on 06.11.2025 and the revision has admittedly not been filed within a period of 90 days and the delay in even making the copy application on 24.10.2025 after seven months has neither been explained nor condoned by any order of the Court.

5. Learned counsel for the petitioner would however submit that CMA was



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preferred erroneously and thereafter since CMA was not taken on file as not maintainable, the present revision has been filed.

6. I do not find any order exempting the period lost by the petitioner in approaching the appellate court instead of the revisional court. Be that as it may, considering that the suit is for specific performance and the valuable right in movable property of the petitioner is involved, further, when the trial court thought it fit in its wisdom to allow the application to set aside the exparte decree by imposing costs , for non-payment of cost, I do not feel that the petitioner should be non-suited. At the same time, considering the delay that has occasioned on the side of the petitioner, the respondent has been suitably non-suited.

7. In the light of the above, the revision is allowed on condition that the petitioner pays cost of Rs.20,000/-(Rupees Twenty Thousand Only) to the learned counsel for the respondent before this Court and on filing of memo of compliance before the trial court, based on which, the application in I.A.No.1 of 2023 shall be allowed and the trial court shall formerly number the setting aside the decree application and allow the said application within a period of one week from the date of filing of memo of compliance and, the trial court shall frame issues within a period of one week from the



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**P.B.BALAJI.,J**

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date of setting aside application under Order IX Rule 13 of Civil Procedure Code being allowed. The parties shall lead evidence and the trial court shall expedite the trial of the suit and dispose of the suit in O.S.No.446 of 2022 on merits and in accordance with law on or before 30.09.2026.

8. With the above direction, the civil revision petition is allowed. Consequently, connected miscellaneous petition is closed.

24.02.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The District Court, Tiruppur

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