



CRP No. 168 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 168 of 2026
and CMP No.726 of 2026**

1. N.Krishnan
S/o Neliappan, D.No 94, Mengkattu Mettu
Theru, Pasupathipalayam Post, Karur Taluk,
Karur Dist.

Petitioner(s)

Vs

1. C.Sellamuthu
S/o Chinnasamy, 4/3, Kunjankattur
Thottam, Agilandapuram, Mulanur Post,
Dharapuram Taluk, Tiruppur Dist.

Respondent(s)

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 08.10.2025 made in I.A.No.2 of 2023 in O.S.No.32 of 2018 on the file of Subordinate Court, Dharapuram.

For Petitioner(s): M/s.P.Rajagopalan

For Respondent(s): M/s.K.V.Muthuvisakan

ORDER

Heard Mr.P.Rajagopalan, learned counsel for the petitioner/defendant and



CRP No. 168 of 2020

Mr.K,V.Muthuvisakan, learned counsel for the respondent/plaintiff.

WEB COPY

2. Learned counsel for the petitioner states that though the delay is 1722 days in filing the application to set aside the exparte decree, if the Covid period is calculated and factored, the delay would be much less and further he would also point out to the affidavit filed in support of the petition where the petitioner has stated that his son is a special child and he had to be continuously monitored and the other child viz., daughter also met with an accident in October 2021 and therefore, the petitioner was not in a position to follow up the suit. He also states that the decree itself was transmitted from Dharampura Court to Karur Court and only after receipt of notice in the Execution Petition, where also he was set exparte initially, the petitioner moved the Court seeking to set aside the exparte decree along with condonation of delay of 1722 days.

3. The trial court, on enquiry, taking into consideration the affidavit filed in support of the application for condonation of delay and also the counter affidavit, dismissed the application, as against the same, the present revision has been filed.

4. Learned counsel for the petitioner would bring to my notice that along with the revision, the petitioner has filed all medical records to establish that the averments



CRP No. 168 of 2020

set out in the affidavit are true. However, these documents are not enclosed along with the affidavit filed in support of the application for condonation of delay before the trial Court and they have been filed for the first time in the revision. Therefore, I do not find any infirmity or perversity in the findings arrived at by the trial Court to interfere with the well considered orders passed, dismissing the application for condonation of delay.

5. However, learned counsel for the petitioner, at this juncture, offered to deposit the decree amount in order to give an opportunity to the petitioner/defendant to contest the suit on merits.

6. Learned counsel for the respondent/plaintiff states that the decree amount is Rs.7,71,410/-(Rupees Seven lakhs Seventy One thousand four hundred ten only) and if the petitioner is willing to deposit the entire money, then, this Court may consider giving an opportunity, however, subject to fixing time line for disposal of the suit in O.S.No.32 of 2018.

7. In view of the petitioner fairly coming forward to secure the entire interest of the respondent/plaintiff, I am inclined to allow the revision on the following terms:-



WEB COPY



CRP No. 168 01 2020

(i) The petitioner shall deposit a sum of Rs.7,50,000/-(Rupees Seven Lakhs Fifty Thosuang Only) by way of three instalments, thirty days apart, I.e, Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) by 31.03.2026, the 2nd instalment of Rs.2,50,000/-(Rupees Two Lakhs Fifty Thousand only) by 30.04.2026 and the last instalment of Rs.2,50,000/-(Rupees Two Lakhs Fifty Thousand Only) on or before 01.06.2026, subject to the compliance of the above, the order passed in I.A.No.2 of 2023 shall be set aside and the setting aside application shall also be formally allowed by the trial court.

(ii) The written statement shall be filed on or before 31.03.2026 before the Registry of Sub Court, Dharapuram and subject to the compliance of the conditions stipulated herein above, the trial Court shall receive the written statement on 01.06.2026 and shall frame issues on or before 08.06.2026 and shall dispose of the suit in O.S.No.32 of 2018 on merits and in accordance with law by 31.10.2026.



CRP No. 168 of 2020

WEB COPY

(iii) It is made clear that if the petitioner committed default even in one instalment, he shall not be entitled to the order in the revision and I.A.No.2 of 2023 shall stand dismissed.

(iv) The amount shall be deposited to the credit of O.S.No.32 of 2018 on the file of Subordinate Court, Dharapuram without prejudice to the contentions and defence open to the petitioner in the suit.

No costs. Consequently, connected miscellaneous petition is closed.

20.02.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The Subordinate Court, Dharapuum



WEB COPY



CRP No. 168 of 2026

P.B.BALAJI,J

sr

CRP No.168 of 2026

20.02.2026