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CRP No. 733 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No. 733 of 2026
and CMP.No.3842 of 2026**

A.Chandrasekaran

..Petitioner(s)

Vs

Varun Apartment Owners Welfare Association

Rep. by its President C.T.Ramachandran,

Block No.50,

144, HIG Scheme,

Venugopal Street,

Mogappair,

Chennai - 600037.

..Respondent(s)

The Civil Revision Petition has been filed under Section 115 of the CPC to set aside the Fair and Decretal order passed by the Learned District Munsif, Ambattur in IA No.1 of 2025 in OS No.274/2018 on 06.11.2025

For Petitioner(s): M/s. K.Selvakumar

For Respondent(s): M/s.R.Lakshmi Narasimhan



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ORDER

The defendant in O.S.No. 274 of 2018, on the file of the District Munsif Court, Ambattur is the revision petitioner.

2. I have heard Mr. K.Selvakumar, learned counsel for the revision petitioner and Mr. R.Lakshmi Narasimhan, learned counsel for the respondent / plaintiff.

3. The learned counsel for the petitioner would state that a delay of 53 days in filing an application to set aside the ex-parte decree has been dismissed erroneously, without adopting a liberal approach. The learned counsel would further state that similar suits have been filed by the respondent as against a total number of 12 flat owners and according to the learned counsel, there is yet another association which is in charge of the maintenance of the common areas in the apartment complex and the respondent/plaintiff is an unregistered and non-existent Society. The learned counsel would also state that a detailed written statement has been filed along with the application and an opportunity may be given to the defendant to contest the suit on merits.



4. Per contra, Mr.R.Lakshmi Narasimhan, learned counsel appearing for the respondent/plaintiff, would state that there are as many as 64 flats in the complex and excepting 12 owners as against whom suits have been filed, all the remaining flat owners have recognised the respondent Association and they have been regularly paying maintenance charges and it is only the respondent who is maintaining the entire complex and its common areas. He would further state that admittedly, the revision petitioner was served with summons and did not choose to file a written statement and contest the suit and consequently, suffered an ex-parte decree.

5. He would further state that even thereafter, an Application to set aside the ex- parte decree was not filed within the period of 30 days but with a delay of 53 days. Pointing out to the reasons set out in the affidavit in support of the condone delay application, Mr.Lakshmi Narasimhan, learned counsel would contend that the reasons were clearly fallacious and not only this revision petitioner, but also 11 other defendants against whom separate suits had been filed, have left the suits to be decreed ex-parte and thereafter, have come up with almost identical Applications to condone delay, along with Applications to set aside the ex-parte decree. It is therefore the contention of Mr.Lakshmi Narasimhan that the defendant is only attempting to protract the proceedings



and avoid payment of legitimate dues towards maintenance of the apartment complex.

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6. I have carefully considered the submissions advanced by the learned counsel for the parties. I have also gone through the order of the Trial Court dismissing the Applications for condonation of delay.

7. In and by a common order pertaining to I.A.No.1(Section 5) and I.A.No. 2 (Order 9 Rule 13 CPC), the Trial Court has found that despite service of summons and Counsel having entered appearance in the suit, written statement had not been filed for more than 120 days and the petitioner was set ex- parte even on 07.02.2019 and therefore, all references to the COVID pandemic were totally irrelevant. The Trial Court has not addressed the aspect of delay of 53 days which has arisen only subsequent to the ex-parte decree being passed but has focused its attention erroneously on non-filing of the written statement after service of summons and put it against the revision petitioner.

8. The suit is one for recovery of arrears of maintenance. The case of the petitioner/defendant is that the respondent is not the actual Association which is in charge of maintenance and that the respondent is also defunct. The written



statement has already been filed along with the Applications for condoning the delay and setting aside the ex-parte decree.

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9. In the light of the above and also taking into account that the delay is only 53 days, I am inclined to allow the revision in the following directions:

(i) The petitioner shall deposit a sum of Rs.15,000/- to the credit of O.S.No. 274 of 2018 on the file of the District Munsif Court, Ambattur within a period of two (2) weeks from the date of receipt of the copy of the order.

(ii) Subject to compliance of Clause (i) above, the ex- parte decree shall stand set aside.

(iii) The amount of Rs.15,000/- deposited to the credit of OS.No.274 of 2018, shall not be permitted to be withdrawn by the respondent/plaintiff and it shall be subject to the result of the suit and the Trial Court shall incorporate suitable directions in the decree subject to its ultimate findings in the suit, while answering the issues to be framed.

(iv) The trial court shall frame issues within a period of two (2) weeks from the date of the petitioner reporting compliance of the payment of Rs.15,000/- and shall thereafter, expedite trial and dispose of the suit within a period of six (6) months.



10. In fine, this Civil Revision Petition is allowed with the above directions. Consequently, connected Miscellaneous Petition is also closed. No costs.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PVS

To

The District Munsif, Ambattur



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P.B.BALAJI, J.

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