



CRP(MD). No.168 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.01.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.168 of 2026
and
CMP(MD) No.659 of 2026**

Gunasekaran

... Petitioner

Vs

Meenakshi

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of CPC, to call for the records relating to the impugned fair and decreetal order dated 17.11.2025 in IA No.02 of 2025 in OS No. 252 of 2022 on the file of Sub Court, Usilampatti, set aside the same.

For Petitioner : Mr.V.Janakiramulu

ORDER

This Civil Revision Petition has been filed challenging the order made in I.A.No.2 of 2025 in O.S.No.252 of 2022 on the file of the Subordinate Court, Usilampatti, dated 17.11.2025.



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2.The respondent/plaintiff has filed the suit in O.S.No.252 of 2022 on the file of the Subordinate Court, Usilampatti, as against the petitioner/defendant seeking partition of 2/3rd share in the suit property along with other reliefs. In the said suit, the petitioner/defendant was set *ex parte* on 22.01.2025. Subsequently, the petitioner/defendant has filed the present application under Section 5 of the Limitation Act, 1963, to condone the delay of 215 days in filing a petition to set aside the *ex parte* decree, dated 22.01.2025. The said application was dismissed on 17.11.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that the petitioner was suffering from several ailments, has been under continuous medication since 2020 and has also been hospitalized, due to which, he was unable to proceed with the suit effectively and was set *ex parte* on 22.01.2025. He would further submit that the aforesaid delay is neither willful nor wanton. Hence, he prays for appropriate orders.



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4. Heard the learned counsel for the petitioner. Since no adverse order is going to be passed against the respondent, notice to the respondent is dispensed with.

5. Considering the reasons assailed by the petitioner to condone the delay of 215 days and also from the perusal of the order impugned herein, this Court is of the view that the petitioner has not given any valid reasons to condone the delay of 215 days in filing the petition to set aside the *ex parte* decree. Further, the Court below by relying upon the order of this Court in ***G.Jayaraman Vs. Devarajan*** reported in **2007 (2) CTC 643** has come to a conclusion that the petitioner has not produced any oral and documentary evidence to substantiate his case and after analyzing the entire facts and materials available on record, the Court below had passed the well reasoned order, which does not warrant any interference of this Court.



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6. In fine, the Civil Revision Petition stands dismissed for want of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

The Subordinate Judge, Usilampatti.



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N.SENTHILKUMAR, J.

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