



C.R.P.(MD)No.903 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.903 of 2023

and

C.M.P.(MD)No.4149 of 2023

1.Nagammal
2.Minor Sangaralingam
3.Minor Kanagaraj
4.Karuppasamy
5.Ramar
6.Jeyabal

... Petitioners

-VS.-

Muthumuniyammal

...Respondent

(Minor petitioners 2 and 3 are represented by their mother and natural guardian, the petitioner)

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records and set aside the order passed in I.A.No. 2 of 2022 in O.S.No.4 of 2011 on the file of the Principal Subordinate Court, Srivilliputhur, dated 16.12.2022 by allowing this Civil Revision Petition and to proceed further in accordance with law.



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For Petitioners :Mr.M.Mohamed Sherbudeen
For Respondent :Mr.B.Rajesh Saravanan

ORDER

The present Civil Revision Petition has been filed challenging the impugned order passed by the learned Principal Subordinate Judge, Srivilliputhur, in I.A.No.2 of 2022 in O.S.No.4 of 2011, dated 16.12.2022.

2.Heard Mr.M.Mohamed Sherbudeen, learned Counsel for the petitioners and Mr.B.Rajesh Saravanan, learned Counsel for the respondent.

3.The respondent is the plaintiff in the suit in O.S.No.4 of 2011 on the file of the Subordinate Court, Srivilliputhur and the petitioners are the defendants in the suit. The said suit has been filed claiming 1/4 share in the suit schedule property. In the said suit, the petitioners were set *ex parte* and an *ex parte* judgment and decree was passed. Further, in the final decree proceedings also, the respondents were set *ex parte*. Thereafter, the petitioners have filed an application in I.A.No.3 of 2022 to set aside the *ex parte* judgment



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along with an application in I.A.No.2 of 2022 to condone the delay of 2453 days in filing a petition to set aside the *ex parte* decree. The said application was dismissed by the learned Principal Subordinate Judge, Srivilliputhur, vide impugned order, dated 16.12.2022 on the ground that the petitioners have not given any valid reasons for the inordinate delay of 2453 days. Challenging the same, the present Civil Revision Petition has been filed.

4.The learned Counsel for the petitioners submitted that the learned trial Judge failed to consider the reasons assigned by the petitioners in the application which contains sufficient cause. He further submitted that the first petitioner is suffering from old age ailments and that there is a delay and without properly considering the same, the trial Court has dismissed the application to condone the delay, which is *per se* illegal and needs interference of this Court.

5.The learned Counsel for the respondent submitted that the petitioners have not appeared before the suit proceedings as well as before the final decree proceedings and that after an inordinate delay of 2453 days, the petitioners



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have filed an application to set aside the *ex parte* decree without giving adequate reasons to condone the delay and the trial Court after considering the explanations offered by the petitioners, have rightly dismissed the application filed by the petitioners, which needs no interference and seeks dismissal of this petition.

6.This Court considered the submissions made on either side and perused the materials available on record.

7.The respondent, as plaintiff, has filed a suit and in the suit, as the revision petitioners did not appear, they were set *ex parte* and an *ex parte* judgment and decree was passed. Even in the final decree proceedings also, they did not appear and after an inordinate delay of 2453 days, they filed applications to condone the delay and to set aside the *ex parte* judgment. In the application filed to condone the delay of 2453 days, the only reason stated by the petitioners is that the first petitioner is suffering with old age ailments and that they could not appear before the Court.



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8.It is to be noted that the reasons attributed by the petitioners for the delay of 2456 days to condone the delay in filing the application to set aside the *ex parte* decree are not satisfactory and acceptable. The Court below, after considering the reasons stated by the petitioners, has rightly dismissed the application. This Court is also of the view that the findings rendered by the Court below in the impugned order in rejecting the petitioners' application are all well-founded, which deserves no interference of this Court.

9.For the aforesaid reasons, this Civil Revision Petition fails and is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2026

Internet	:Yes/No
NCC	:Yes/No
Index	:Yes/No

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To

The Principal Subordinate Judge, Srivilliputhur.



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N.SENTHILKUMAR, J.

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