



CRP(MD). No.3339 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.3339 of 2025

Kondama Reddi

... Petitioner

Vs

Chandran (Died)

1.Anbuselvi

2.Padmanaban

3.Padmapriya

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order, dated 08-04-2025 made in I.A.No.353/2019 in I.A.No.969/2011 in O.S.No. 836/2010 on the file of I Additional Sub Court, Madurai and allow the civil revision petition.

For Petitioner : M/s.S.Keerthi

For Respondents : Mr.K.Pandiarajan



CRP(MD). No.3339 of 2025

ORDER

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This Civil Revision Petition is directed against the fair and decretal order passed in I.A.No.353 of 2019 in I.A.No.969 of 2011 in O.S.No.836 of 2010, dated 08.04.2025, on the file of the learned I Additional Sub Court, Madurai.

2. The suit in O.S.No.836 of 2010 was originally decreed ex parte. Aggrieved by the same, the petitioner filed I.A.No.969 of 2011 seeking to condone the delay in filing a petition to set aside the ex parte decree. The said application came to be dismissed on 05.11.2012. Thereafter, the petitioner filed I.A.No.353 of 2019 seeking restoration of I.A.No.969 of 2011.

3. The trial Court, upon consideration of the materials placed on record, dismissed the said application on the ground that the petitioner had failed to produce any medical records to substantiate the reasons for his absence and that the conduct of the petitioner indicate his intention to protract the proceedings.



CRP(MD). No.3339 of 2025

4. Challenging the said order, the present Civil Revision Petition has been filed.

5. The learned counsel for the petitioner submitted that the respondents had earlier preferred C.R.P.(MD) No.2069 of 2019 before this Court challenging the order passed in I.A.No.453 of 2014 in I.A.No. 969 of 2011 in O.S.No.836 of 2010, dated 09.08.2019 and the same was dismissed by this Court by order, dated 22.03.2024. It is his further submission that the present application for restoration was dismissed by the trial Court only on technical grounds without properly appreciating the circumstances under which the petitioner was prevented from prosecuting the matter.

6. This Court has carefully considered the submissions made and perused the materials available on record.

7. It is not in dispute that the suit is of the year 2010 and that the petitioner had taken steps, though belatedly, to have the ex parte decree



CRP(MD). No.3339 of 2025

set aside. The reason assigned by the trial Court for dismissal is the non-production of medical records and the alleged intention of the petitioner to delay the proceedings.

8. However, it is well settled that procedural laws are intended to advance the cause of justice. When substantial rights of parties are involved, a liberal approach is required while considering applications for condonation of delay and restoration, provided that the explanation offered is not wholly lacking in bona fides.

9. In the present case, this Court is of the view that an opportunity ought to have been afforded to the petitioner to contest the suit on merits, especially considering the fact that the matter pertains to the year 2010. Denial of such an opportunity would result in irreparable prejudice to the petitioner.

10. In such circumstances, this Court is inclined to interfere with the order passed by the trial Court.



CRP(MD). No.3339 of 2025

11. Accordingly, the order passed in I.A.No.353 of 2019 in I.A.No. 969 of 2011 in O.S.No.836 of 2010, dated 08.04.2025, on the file of the I Additional Sub Court, Madurai, is set aside and the said application stands allowed. Consequently, I.A.No.969 of 2011 shall stand restored to file.

12. Considering the fact that the suit is of the year 2010, the trial Court is directed to dispose of the suit as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

13. In the result, this Civil Revision Petition is allowed. There shall be no order as to costs.

05.02.2026

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To

The I Additional Sub Court, Madurai.

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CRP(MD). No.3339 of 2025

N.SENTHILKUMAR, J.

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CRP(MD). No.3339 of 2025

05.02.2026