



CRP(MD). No.3861 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 05.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3861 of 2025
and
C.M.P(MD) No.20316 of 2025

C.Chitra

... Petitioner

Vs

Alagarsamy

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 22.01.2024 in I.A.No.1 of 2022 in O.S.No.320 of 2015 in the Sub Court, Theni District and allow this Civil Revision petition.

For Petitioner : Mr.Akhilesh Sudhakar
for Mr.S.Vikram

For Respondent : Mr.R.Maheswaran

ORDER

This Civil Revision Petition has been filed challenging the fair and decreetal order dated 22.01.2024 passed in I.A.No.1 of 2022 in O.S.No. 320 of 2015 on the file of the learned Sub Judge, Theni, wherein the



CRP(MD). No.3861 of 2025

learned Judge, dismissed the petition filed by the revision petitioner to set aside the ex-parte order passed against her and to restore the same by condoning the delay of 2256 days.

2. The revision petitioner is the defendant in the suit in O.S.No.320 of 2015. The respondent herein had filed the said suit before the Sub Court, Theni. During the pendency of the suit, the revision petitioner remained absent and she was set ex parte. Thereafter, the suit came to be proceeded with and the revision petitioner did not take any steps to contest the proceedings within the time permitted under law.

3. Subsequently, the revision petitioner filed I.A.No.1 of 2022 seeking to set aside the ex-parte order passed against her and to restore the suit to file. Since there was a delay of 2256 days in filing the said application, the revision petitioner also sought for condonation of the said delay. The trial Court, after considering the materials placed before it, dismissed the said application by order dated 22.01.2024. Aggrieved by the same, the present Civil Revision Petition has been filed before this



CRP(MD). No.3861 of 2025

Court.

WEB COPY

4. Mr.Akilesh Sudhakar, learned counsel appearing for the revision petitioner, submitted that no summons was served on the revision petitioner and therefore she was not aware of the pendency of the suit. According to the learned counsel, the revision petitioner came to know about the proceedings only during the Execution Petition proceedings and thereafter she had taken steps to file the application to set aside the ex-parte order.

5. The learned counsel further submitted that the summons were not served at the correct address and the signature found in the summons is not that of the revision petitioner. Hence, the trial Court ought to have condoned the delay and permitted the revision petitioner to contest the suit on merits.

6. This Court has carefully considered the submissions made on either side and perused the materials available on record. On verification of the records, it is seen that the address mentioned in the plaint as well



CRP(MD). No.3861 of 2025

as in the Execution Petition is one and the same. The address is stated as follows:

Chithra, Ward No.30, Jeganathan Street, Near Old Post Office, Old TVS Road, Theni and presently residing at Chinnadurai Illam, South Street, Thenkarai, Periyakulam Taluk, Theni District.

7. The very same address is also found in E.P.No.95 of 2022. Therefore, the contention of the revision petitioner that the summons were not served at the correct address cannot be accepted. When the address mentioned in the plaint and the Execution Petition is identical, there is every possibility for the revision petitioner to have gained knowledge about the pendency of the suit and the subsequent proceedings.

8. The contention raised by the revision petitioner before this Court that the signature found in the summons is not that of the revision petitioner is a new stand taken at this stage. Such a contention cannot be accepted at this distant point of time. If the summons had really been



CRP(MD). No.3861 of 2025

received by some other person by forging the signature of the revision petitioner, the revision petitioner ought to have lodged a police complaint against the persons alleging fraud or impersonation. However, no such complaint has been given by the revision petitioner.

9. The delay involved in the present case is 2256 days, which is inordinate. While considering an application for condonation of delay, the Court must be satisfied that sufficient cause has been shown by the party seeking condonation. In the present case, except making a bald allegation that the summons were not served and that the signature found in the summons is not that of the revision petitioner, no convincing or acceptable reason has been assigned for the enormous delay.

10. The learned trial Judge, after considering the facts and circumstances of the case, rightly came to the conclusion that the reasons stated by the revision petitioner were not sufficient to condone the inordinate delay of 2256 days and accordingly dismissed the application. This Court does not find any illegality or infirmity in the order passed by



CRP(MD). No.3861 of 2025

the trial Court warranting interference under the revisional jurisdiction of this Court.

11. In view of the above, this Court finds that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

12. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

05.02.2026

Indu



WEB COPY



CRP(MD). No.3861 of 2025

N.SENTHILKUMAR, J.

Indu

CRP(MD). No.3861 of 2025

05.02.2026