



CRP(MD). No.572 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.572 of 2023
and CMP(MD).No.2685 of 2023**

Muthusamy Gounder (Died)

2.Chenniappa Gounder
3.Palanichamy Gounder
4.Murugathal
5.Gopalsamy

... Petitioners

Vs.

1.Dharmaraj
2.Chellamuthu

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decretal order passed by the District Munsif Court, Oddanchatram in I.A.No.63 of 2018 in O.S.No.140 of 2015 dated 14.07.2022.

For Petitioners : Mr.N.Tamil Mani

For Respondents : Mr.D.Venkatesh for R1 & R2

ORDER

This Civil Revision Petition has been filed challenging the fair and decretal order passed by the District Munsif Court, Oddanchatram, in I.A. No. 63 of 2018 in O.S. No. 140 of 2015, dated 14.07.2022.



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2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3. The learned counsel for the petitioner submitted that, between the same parties and for the same cause of action, an earlier suit in O.S. No. 638 of 1984 was filed and decreed in favour of the revision petitioner. Thereafter, the respondent has filed the present suit seeking the same relief between the same parties. However, the earlier suit was filed by the father and the present suit has been filed by the son. The judgment in the present suit was passed ex parte and a decree was granted. The present application was filed to condone the delay in filing the application to set aside the ex parte decree, which came to be dismissed by the trial Court. Hence, this revision.

4. The learned counsel for the respondent submitted that the only reason stated for condoning the delay is that the petitioner was suffering from jaundice and that the counsel was not properly informed. Such reasons cannot be accepted in the absence of any supporting documents, and the petitioner has merely attempted to blame the counsel who conducted the case. Therefore, the trial Court has rightly dismissed the petition.



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5.A perusal of the records shows that the petitioners have not stated any valid or sufficient reason and have merely blamed their advocate. Such attitude cannot be accepted. However, in order to afford a fair opportunity to the petitioners, this Court is inclined to allow this petition on payment of costs.

6.Accordingly, the petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Tamil Nadu State Legal Services Authority within a period of one month from the date of receipt of a copy of this order. On production of proof of such payment, the trial Court shall proceed further in accordance with law. Failing such payment, the petition shall stand automatically dismissed without any further reference to this Court. Considering that the suit is of the year 2015, the trial Court is directed to proceed with the matter and dispose of the suit within a period of one year thereafter.

7.With the above directions, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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

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To

- 1.The District Munsif, Oddanchatram.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.
- 3.Tamil Nadu State Legal Services Authority,
Gate No.6, North Fort Road, High Court Campus,
Chennai – 600 104.



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N.SENTHILKUMAR, J.

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