



C.R.P.(MD)No.3879 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3879 of 2025

and

C.M.P.(MD)No.20360 of 2025

Jeyakaman

... Petitioner

-VS.-

Thangam

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order, dated 28.08.2025 passed in I.A.No.1 of 2025 in O.S.No.176 of 2022 on the file of the learned Subordinate Court, Usilampatti, Madurai District.

For Petitioner :Mr.B.Prahalad Ravi

For Respondent :Ms.T.Shivasree
for Mr.J.Bharathan



C.R.P.(MD)No.3879 of 2025

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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Usilampatti, Madurai District, in I.A.No.1 of 2025 in O.S.No.176 of 2022, dated 28.08.2025.

2.Heard Mr.B.Prahalad Ravi, learned Counsel for the Revision Petitioner and Ms.T.Shivasree, learned Counsel representing Mr.J.Bharathan, learned Counsel for the respondent.

3.The respondent, as plaintiff, has filed a suit in O.S.No.176 of 2022 before the Subordinate Court, Usilampatti, Madurai District, against the petitioner herein, for recovery of money. In the said suit, the petitioner herein was set *ex parte* on 24.06.2024 and an *ex parte* decree was passed against the petitioner herein. Hence, the petitioner has filed an interlocutory application in I.A.No.1 of 2025 under Section 5 of the Limitation Act to condone the delay of 243 days in filing a petition to set aside the *ex parte* decree. The learned Subordinate Judge, Usilampatti, vide impugned order, dated 28.08.2025, had



C.R.P.(MD)No.3879 of 2025

dismissed the said application on the ground that the petitioner has not proved his case by producing relevant documents. Challenging the same, the present Civil Revision Petition has been filed.

4.Mr.B.Prahalad Ravi, learned Counsel for the petitioner submitted that the petitioner is working as a Police Constable and staying at Chennai. However, notice has been served to the address shown in the suit, where he was not primarily residing. As the summon was served to the petitioner in the address where he was not residing, there occurred a delay of 243 days. Immediately, after coming to know of the *ex parte* decree passed against the petitioner, the petitioner has filed the present application to condone the delay in filing the petition to set aside the *ex parte* decree. He further submitted that if the delay is not condoned and the petitioner is not permitted to contest the case on merits, it will cause serious prejudice to the petitioner. However, without even considering the averments made in the application, the Court below has erroneously passed the impugned order, which warrants interference of this Court.



C.R.P.(MD)No.3879 of 2025

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5.*Per contra*, Ms.T.Shivasree, learned Counsel for the respondents submitted that as there is no probable explanation given by the petitioner for the inordinate delay, the Court below has rightly dismissed the application filed by the petitioner. Further, only with an intention to drag on the proceedings, the petitioner has filed the present application, which has been rightly rejected by the Court below. She further submitted that the Court below after considering the entire averments made by the petitioner, has rightly passed the impugned order and there is no infirmity or irregularity in the order passed by the Court below, which does not warrant interference by this Court. Hence, she 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 has filed the suit for recovery of possession against the petitioner herein. In the said suit, the petitioner was set *ex parte* and an *ex parte* decree was passed on 24.06.2024. However, it is the contention of the petitioner that he has no knowledge about the filing of the suit and summons



C.R.P.(MD)No.3879 of 2025

were issued to the address, where he was not primarily residing and due to his avocation, he is residing now at Chennai and working in the Tamil Nadu Police Security Force as Constable. The respondent has not disputed the fact that the petitioner is working as a Constable at Chennai. When that being the case, the reasons assigned by the petitioner that summons were issued to the address, where the petitioner is not residing, can be accepted and in the interest of justice, this Court is inclined to grant one opportunity to the petitioner to contest the case on merits.

8. Accordingly, the Civil Revision Petition is allowed and the order passed by the learned Subordinate Judge, Usilampatti, Madurai District, in I.A.No.1 of 2025 in O.S.No.176 of 2022, dated 28.08.2025, is hereby quashed and the application in I.A.No.1 of 2025 in O.S.No.176 of 2022, is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2026

NCC :Yes/No
Index :Yes/No
cmr



C.R.P.(MD)No.3879 of 2025

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To

The Subordinate Judge, Usilampatti, Madurai District.



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C.R.P.(MD)No.3879 of 2025

N.SENTHILKUMAR, J.

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C.R.P.(MD)No.3879 of 2025

23.02.2026