

**IN THE COURT OF THE MUNSIFF, CHENGANNUR
PRESENT SMT. AMALA LAWRENCE, MUNSIFF
Thursday 12th day of March 2026 (21st Phalguna 1947)**

**IA 1/2022 and in RP 62/2022 IN
OS 55/2017**

**IA 1/2022 in OS 55/2017
(Filed on 23/11/2022)**

**Petitioner/
Defendant** :Jeeva Raj.N, aged 60 years,
S/o Narayanadas,
Ajay Bhavan, Kaippuzha North.P.O,
Kulanada, Chengannur,
Pathanamthitta District, Pin-689503.

**(By Adv.Gokul.G.Krishnan &
Adv.M.S.Malavika)**

Counter Petitioner/:Ms/Sree Sadgamaya Chits India Pvt.Ltd,
Plaintiff Registered Office at
Abhishek House.No.75, Asramam.P.O,
Mythri Nagar, Punnatharam Junction,
Kollam East Village, Kollam Taluk,
Kollam District-691002 Having its
Branch at Mavelikara, Rep.by its
Managing Director K.Sathyanandan,
aged 63 years, S/o Late Kochu Raman,
Abhishek House No.75, Asramam.P.O,
Kollam East Village, Kollam District,
Pin-691002.

(By Adv. Justin Poulouse)

RP 62/2022 in OS 55/2017
(filed on 23/11/2022)

Petitioner/ :Jeeva Raj.N, aged 60 years,
Defendant S/o Narayanadas, Ajay Bhavan,
Kaippuzha North.P.O,
Kulanada, Chengannur,
Pathanamthitta District, Pin-689503.
(By Adv.Gokul.G.Krishnan &
Adv.M.S.Malavika)

Counter Petitioner/:Ms/Sree Sadgamaya Chits India Pvt.Ltd,
Plaintiff Registered Office at
Abhishek House.No.75, Asramam.P.O,
Mythri Nagar, Punnatharam Junction,
Kollam East Village, Kollam Taluk,
Kollam District-691002 Having its
Branch at Mavelikara, Rep.by its
Managing Director K.Sathyanandan,
aged 63 years, S/o Late Kochu Raman,
Abhishek House No.75, Asramam.P.O,
Kollam East Village, Kollam District,
Pin-691002.

(By Adv. Justin Poulouse)

These petitions having been finally heard on 15.10.2025
and the court on 12.03.2026 passed the following.

COMMON ORDER

IA.1/2022 is for condoning the delay in filing RP.62/2022, application for setting aside exparte decree dated 07/11/2019.

2. **Averments in the affidavit, filed in support of both IAs are more or less the same and therefore the averments, in brief, are as follows:-** The petitioner is the defendant in the above suit. The petitioner had executed a vakalath in favour of one Santhosh, Advocate, practising at Chengannur, for the purpose of contesting the suit. Whenever the petitioner enquired about the status of the case, the said counsel informed him that he would be intimated whenever his presence was required before the Court. However, the counsel failed to inform the petitioner about the progress of the proceedings and, consequently, the suit came to be decreed ex parte. The petitioner came to know about the ex parte decree only when he received notice in the execution petition from the Munsiff's Court, Pathanamthitta. The petitioner has strong and

substantial contentions to raise in the suit. There was no wilful negligence or deliberate lapse on the part of the petitioner in not contesting the suit or in failing to file the written statement within time. There is a delay of 1081 days in filing the petition to set aside the ex parte decree dated 07.11.2019. Hence, the present petition is filed seeking condonation of the delay of 1081 days in filing the petition to set aside the ex parte decree dated 07.11.2019 and for restoring the suit to its original file, thereby enabling the petitioner to contest the matter on merits.

3. Notice was served upon the respondents but they did not file objection in the petition.

4. Now the points that arise for consideration are:-

- I. Whether the delay in filing application for setting aside the decree is to be condoned?
- II. Whether the exparte decree is liable to be set aside?

5. Heard the petitioner. Respondent side was taken as heard.

6. **Point Nos.I and II:-** The petitioner alleges that he became aware of the ex parte decree only upon receipt of notice in execution proceedings. The suit decreed exparte on 07/11/2019. The petitioner submit that his counsel failed to inform the petitioner about the proceedings of the case and as such the case has been decreed exparte. The petitioner asserts that he has strong contentions in this case and that unless the delay is condoned and the decree set aside, he will suffer irreparable injury. There is a delay of 1081 days in filing the present application for setting aside the ex parte decree. The respondent did not file any objection.

7. Upon hearing the petitioner and perusing the affidavit filed along with the petition, I am satisfied that the failure of the petitioner to file the written statement on 07/11/2019 and to contest the suit was due to the sufficient reasons stated in the accompanying affidavit, and not due to any wilful default on the part of the petitioner. Moreover, though notice was duly served upon the respondent, he did not

file any written objection and was not ready for hearing. This Court is satisfied that there is sufficient cause for allowing the petition to condone the delay in filing the petition to set aside the ex parte decree, in the interest of justice, and that an opportunity ought to be given to the petitioner to contest the suit on merits. It is a settled position of law that, in such cases, the Court should adopt a liberal approach in condoning the delay. In light of the circumstances surrounding the petitioner's failure to contest the case, I am inclined to hold that the petitioner should bear some responsibility in terms of costs. However, considering that the respondent remained absent and did not file any objection, it is necessary to ensure fairness in the proceedings. Therefore, in the interest of justice, the petitions are allowed on condition that the petitioner pays a cost of ₹2,000/- to the Taluk Legal Services Authority (TLSA).

8. In view of the above findings, a conditional Order is passed in the following terms:-

The petitions are allowed. The petitioner shall pay costs of Rs.2000/- to the TLSA within 10 days and produce receipt regarding the payment of cost.

Call on 24/03/2026

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 12th day of March 2026)

Sd/-
AMALA LAWRENCE
MUNSIFF

APPENDIX : Nil

Id/-
MUNSIFF