



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 355 of 2025

and

CMP No. 2171 of 2025

1. Nachimuthu
S/o. Arumugha Gounder, No. 63,
Velampalayam, Velampalayam Village,
Palladam Taluk, Tiruppur District.

Petitioner(s)

Vs

1. Duraisamy
S/o. Palanisamy, No. 26/2, Muniya
Boyan Street, Puthukothukadu,
Ariyapampalayam Village,
Sathyamangalam Taluk, Erode District.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order dated 06.11.2024 made in IA No. 01 of 2023 in OS No. 299 of 2018 on the file of the Subordinate Judge, Palladam, by allowing this CRP and thus render justice.

For Petitioner(s): Mr.V.Anandhamoorthy

For Respondent(s): M/s.R. Radha Pandian

ORDER

The civil revision petition has been filed, challenging the impugned order dated 06.11.2024 passed by the Sub Court, Palladam in I.A.No.1 of 2023 in



O.S.No.299 of 2018.

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2. In the aforesaid order, the application filed by the petitioner/defendant, seeking to condone the delay of 1543 days in filing an application, seeking to set aside the *ex parte* decree under Order IX Rule 13 of CPC has been dismissed.

3. While dismissing the application, the trial Court, after giving due consideration to the affidavit filed in support of I.A.No.1 of 2023, has come to the conclusion that the petitioner/defendant has not shown sufficient cause for condoning the inordinate delay of 1543 days in filing an application, seeking to set aside the *ex parte* decree passed against the petitioner/defendant in favour of the respondent/plaintiff.

4. It is now brought to the notice of this Court by the learned counsel for the respondent/plaintiff that subsequent to the *ex parte* decree having been passed in favour of the respondent/plaintiff in O.S.No.299 of 2018, the respondent/plaintiff had filed an execution petition to execute the said decree and has also obtained a sale deed from the executing Court, in accordance with the specific performance decree obtained by the respondent/plaintiff against the petitioner/defendant. He would submit that the possession alone is yet to be



delivered to the respondent/plaintiff in view of the interim stay granted by this Court in this civil revision petition.

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5. The learned counsel for the petitioner would reiterate that sufficient cause was shown by the petitioner/defendant in the affidavit filed in support of I.A.No.1 of 2023 for the delay in filing an application seeking to set aside the *ex parte* decree obtained by the respondent/plaintiff.

6. However, as seen from the impugned order, the petitioner has not produced any documentary evidence in support of his contentions in the affidavit filed in support of I.A.No.1 of 2023 for the inordinate delay in filing an application, seeking to set aside the *ex parte* decree. Though the petitioner/defendant has pleaded that he was suffering from jaundice for a long period of time, the petitioner/defendant has not produced any medical records before the trial Court to substantiate the said reason.

7. The trial Court, only after giving due consideration to the contents of the affidavit filed in support of the application, which is not supported by any documentary evidence, has rightly dismissed the petitioner's application by holding that no sufficient cause has been shown by the petitioner/defendant to

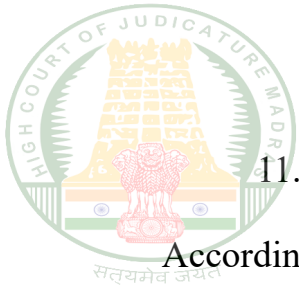


condone the inordinate delay of 1543 days in filing an application, seeking to set aside the *ex parte* decree passed in favour of the respondent/plaintiff against the petitioner/defendant.

8. This Court also takes note of the fact that the respondent/plaintiff has already obtained a sale deed from the executing Court through a specific performance decree passed in favour of the respondent/plaintiff against the petitioner/defendant.

9. This Court also takes note of the fact that only due to the interim stay obtained from this Court in this civil revision petition, the respondent/plaintiff has not been able to get possession of the property through an order passed by the executing court.

10. As sufficient cause has not been shown by the petitioner/ defendant to condone the inordinate delay of 1543 days in filing an application, seeking to set aside the *ex parte* decree, this Court does not find any infirmity in the impugned order dismissing I.A.No.1 of 2023.



11. In the result, there is no merit in this civil revision petition.

Accordingly, this civil revision petition is dismissed. No Costs. Consequently,
connected miscellaneous petition is closed.

03-08-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The Sub Court, Palladam.



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ABDUL QUDDHOSE J.

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