WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

Civil Revision Petition Nos. 873, 874 & 876 of 2026
and
Civil Miscellaneous Petition No.4756 of 2026

Muthoot FinCorp Limited
Registered Office at Muthoot Center,
Punnen Road, Tiruvandrum
Kerala, Represented by Branch Manager and
Authorized Signatory Coonoor
Nilgiris. ...Petitioner
[in all three CRPs]

Versus

C.Devaraj
S/o.Chinnaswamy
Door No.5, Ritz Hotel Road
Coonoor, The Nilgiris,
Having his office at
No. 216, C.D. Chambers Main Road
Coonoor,
Nilgiris-643 102. ...Respondent
[in all three CRPs]

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 07.10.2025 in I.A.Nos. 1, 2 & 3 of 2025 in I.A.No. 91 of 2020 in O.S.No. 190 of 2018 on the file of the Subordinate Court, Coonoor and consequently to allow the I.A.Nos.1, 2 & 3 of 2025 in I.A.No.91 of 2020

https://www.mhc.tn.gov.in/judis

WEB COPY

in O.S.No.190 of 2018 as prayed for.

In all three Civil Revision Petitions:

For Petitioner	:	Ms.Chandini Rajkishore For Mr.T.Saikrishnan
For Respondent	:	Mr.M.Rajasekhar

COMMON ORDER

These Civil Revision Petitions have been filed seeking to set aside the fair and decretal order dated 07.10.2025 in I.A.Nos.1, 2 & 3 of 2025 in I.A.No.91 of 2020 in O.S.No.190 of 2018 on the file of Subordinate Court, Coonoor.

2.The parties will be alluded as per their ranking in the CRP. Since the petitioner and respondent in all the CRP's are same, the CRP's are disposed by this common order.

3.The revision petitioner is the Tenant, and the respondent is the Landlord, in the original suit proceedings.

https://www.mhc.tn.gov.in/judis

WEB COPY

4.The respondent filed an Execution Petition in E.P.No. 37 of 2020, to execute the e*x-parte* decree dated 26.07.2019 in O.S.No.190 of 2018. Whileso, the petitioner filed an Interlocutory Application under Section 5 of the Limitation Act, 1963 in I.A.No.90 of 2020 to condone the delay of 447 days, in seeking to set aside the *ex-parte* decree dated 26.07.2019 and the same was allowed on 22.04.2021. Against the said order, CRP.No.1852 of 2021 was filed by the respondent and the same was dismissed by this Court on 28.04.2023. Thereafter, the petitioner filed an Application in I.A.No.91 of 2020, under Order IX Rule 13 of the Code of Civil Procedure, seeking to set aside the ex-parte decree dated 26.07.2019 passed against him in the suit O.S.No.190 of 2018. I.A.No.91 of 2020, was allowed on condition that the petitioner pays a sum of Rs.1,500/- to the respondent on or before 05.10.2023. However, since the conditional order was not complied with, I.A.No.91 of 2020, was dismissed on 06.10.2023. Consequently, the petitioner filed I.A.No.1 of 2025 under Section 148 of the Code of Civil Procedure 1908, to condone the delay of 321 days, in seeking to restore I.A.No.91 of 2020, I.A.No.2 of 2025, was filed under Section 5 of the Limitation Act 1963, seeking to condone the delay of 1845 days in paying the cost of Rs.1,500/- and I.A.No.3 of 2025 was filed under Section 5 of the Limitation Act, 1963 seeking to condone

https://www.mhc.tn.gov.in/judis

WEB COPY

the delay of 312 days in complying and representing the returned petitions. Meanwhile, the respondent filed a second Execution Petition in E.P.No.51 of 2024. In E.P.No.51 of 2024, the petitioner filed E.A.No.1 of 2024 under Order 41 Rule 5 seeking to stay the EP proceedings. Whileso, an order was passed on 07.10.2025 in I.A.No.3 of 2025, allowing the petition on condition that the petitioner deposits half of the decretal amount of Rs.64,542/- on or before 05.11.2025. Further, on the basis of the order passed in I.A.No.3 of 2025, I.A's.1 of 2025 and 2 of 2025 were also allowed on 07.10.2025. Challenging the said orders the revision petitioner has filed these Civil Revision Petitions.

5.The learned Counsel for the revision petitioner submitted that the condition imposed by the trial Court for allowing the petitions was onerous and disproportionate to the reliefs sought for therein and hence prayed that the Civil Revision Petitions be allowed.

6.The learned Counsel for the respondent contended that the trial Court having exercised its discretion in proper and reasonable manner, no interference was warranted, moreso, when the petitioner succeeded in vexatiously prolonging the proceedings since 2018. The learned counsel

https://www.mhc.tn.gov.in/judis

WEB COPY

also prayed to fix a time limit for the disposal of the suit in view of its pendency since 2018.

7.Heard both sides and perused materials placed on records.

8.Upon perusal of the record, it is seen that the exparte decree was passed on 26.07.2019, since the petitioner did not file written statement in the suit. The petitioner, therefore, through his counsel filed I.A.No.90 of 2020, under Section 5 of the Limitation Act, to condone the delay in seeking to set aside the exparte decree and I.A.No.91 of 2020, to set aside the exparte decree. I.A.No.90 of 2020 was allowed on 22.04.2022, on condition of payment of cost. The respondent filed CRP.No.1852 of 2021 challenging the order passed in I.A.No.90 of 2020 and the CRP was dismissed. Thereafter, I.A.No.91 of 2020 under Order IX Rule 13 of CPC, to set aside the exparte decree dated 26.07.2019, was allowed, subject to payment of cost of Rs.1,500/- to the respondent on or before 05.10.2023 and the application was posted for compliance by the trial Court on 06.10.2023. Since there was no representation for the petitioner on 06.10.2023, the application was dismissed for default. Thereafter the petitioner filed I.A.No.1 of 2025, to condone the delay of 321 days in

https://www.mhc.tn.gov.in/judis

WEB COPY

restoring the I.A.No.91 of 2020, I.A.No.2 of 2025 to condone the delay of 1845 days in paying cost of Rs.1,500/- and I.A.No.3 of 2025 to condone the delay of 312 days in complying and representing the I.A.No.1 of 2025 and I.A.No.2 of 2025.

9.The petitioner's contention that he had no knowledge of the exparte decree till he received summons in the execution petition, was rejected by the trial Court as unbelievable, in view of the copy application dated 19.10.2019, filed by the petitioner for copy of the exparte decree dated 26.07.2019. The trial Court held that the very fact that the petitioner almost immediately applied for a copy of the exparte decree belied his contention that he got knowledge of the exparte decree only on receipt of the summons in the execution proceedings. The trial Court upon perusal of the entire materials on record found that the intention of the petitioner was only to protract the proceedings and deprive the respondent of the fruits of the exparte decree. Despite such findings, in exercise of its discretion, the trial Court allowed the application on condition of deposit of 50% of the decreetal amount. It is seen that the ex parte decree was passed as early as in 2019, and since then the case has been hanging in balance, due to the fault of the petitioner in not

https://www.mhc.tn.gov.in/judis

WEB COPY

complying with the conditional order dated 05.10.2023. Therefore the trial Court in its discretion deemed it fit to allow the petitions on condition. The trial Court having exercised its discretion judiciously, this Court exercising jurisdiction under Article 227 of the Constitution of India, finds no warrant to interfere with the order passed by the trial Court. Therefore the impugned orders passed by the trial Court are confirmed. The Civil Revision Petitions are dismissed as merit less.

10.Accordingly, all the three Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

27.04.2026

Internet : Yes/No

Speaking Order : Yes/No

MSM/dsn

To

1. The Subordinate Judge, Coonoor.

2.The Section Officer, V.R.Section,

High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

N. MALA, J.,

MSM/dsn

Civil Revision Petition Nos. 873, 874 & 876 of 2026
and
Civil Miscellaneous Petition No.4756 of 2026

27.04.2026

https://www.mhc.tn.gov.in/judis