



WEB COPY

Civil Revision Petition Nos.873, 874 & 876 of 2026

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]

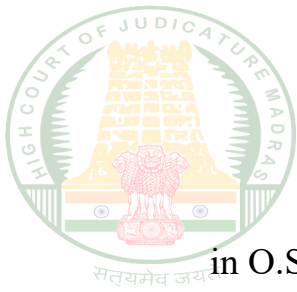
Versus

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

Page Nos.1/10



Civil Revision Petition Nos.873, 874 & 876 of 2026

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

WEB COPY

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.

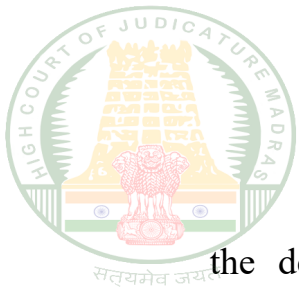


Civil Revision Petition Nos.873, 874 & 876 of 2026

4.The respondent filed an Execution Petition in E.P.No. 37 of 2020,

to execute the *ex-parte* decree dated 26.07.2019 in O.S.No.190 of 2018.

Whiles, 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



Civil Revision Petition Nos.873, 874 & 876 of 2026

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. Whiles, 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



Civil Revision Petition Nos.873, 874 & 876 of 2026

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

WEB COPY

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

Page Nos.5/10



Civil Revision Petition Nos.873, 874 & 876 of 2026

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 decretal amount. It is seen that the exparte 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



Civil Revision Petition Nos.873, 874 & 876 of 2026

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.



WEB COPY



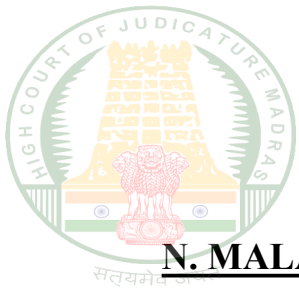
Civil Revision Petition Nos.873, 874 & 876 of 2026

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



CRP Nos.873, 874 & 876 of 2026 and
CMP Nos.4756 of 2026

N. MALA,J.

WEB COPY

Today, the matter has been listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the Respondent.

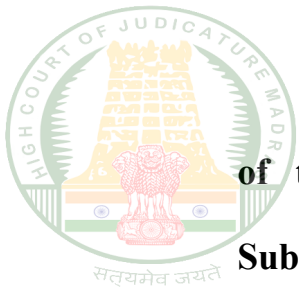
3. The learned counsel for the petitioner would submit that this Court, dismissed the Civil Revision Petitions on 27.04.2026, however, specific time limit to make the conditional deposit of 50% of the decretal amount by the petitioner, has not been mentioned in the aforesaid order.

3. The learned counsel for the petitioner would further submit that on 27.04.2026, this Court had also expressed that the time frame would be given for disposal of the suit, considering the long pendency of the suit. However, the same has also not been reflected in the order.

4. In view of the above, the order dated 27.04.2026 is modified to the following effect:

“10. The petitioner is directed to make the conditional deposit of 50% of the decretal amount as directed by the trial Court, within a period of one week from today i.e, 25.06.2026.

11. On such deposit being made, considering the pendency



of the suit from the year 2018, the trial Court viz., the Subordinate Court, Coonoor is directed to dispose of the suit in O.S.No.190 of 2018 on merits within a period of four weeks from the date of receipt of a web-copy of this order.”

5. The above paragraphs shall be added as paragraph Nos.10 and 11 followed by the result portion which shall be in paragraph No.12 in the order dated 27.04.2026. Except the above, the rest of the order remain intact.

6. Registry is directed to issue fresh order copy after modifying the above paragraphs in the Order in CRP Nos.873, 874 & 876 of 2026, dated 27.04.2026.

25.06.2026

vum

Note: Issue web copy today (25.06.2026)

CRP Nos.873, 874 & 876 of 2026 and
CMP Nos.4756 of 2026