



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 2387 of 2022
and CMP No. 12292 of 2022**

1. Lakshmi
W/o.Ramu
2. Sundarraj
S/o.Ramu

..Petitioners

Vs

1. Marimuthu
W/o.Krishnamurthy
2. Usha
W/o.Thillaigovindan

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.252 of 2018 in O.S.No.354 of 2013 dated 07.02.2022 on the file of the Learned Ist Additional Subordinate Judge, Villupuram.

For Petitioners : Mr,N.Suresh
for Mr.K.S.Anand

For Respondents : Mr.K.Thilagaraj

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.02.2022 made in I.A.No.252 of 2018 in O.S.No.354 of 2013 on the file of the I



Additional Subordinate Judge, Villupuram, wherein the application filed by the petitioners/defendants under Section 5 of the Limitation Act to condone the delay of 990 days in filing the petition under Order IX Rule 13 of CPC to set aside the *ex-parte* decree dated 20.08.2015, came to be dismissed by the Court below.

2. Heard the learned counsel appearing on either side and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3. The suit was filed by the respondents in O.S.No.354 of 2013 seeking for the relief of partition and for allotment of 2/3rd share in the suit property.

4. The written statement was filed by the petitioners and the petitioners were set *ex-parte* and an *ex-parte* decree came to be passed on 20.08.2015.

5. An application was filed under Section 5 of the Limitation Act in I.A.No.252 of 2018 to condone the delay of 990 days in filing the application to set aside the *ex-parte* decree. This application was dismissed by the Court below. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.



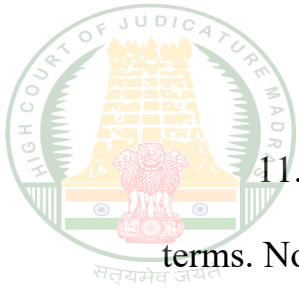
6. In the considered view of this Court, the suit is filed seeking for the relief of partition, therefore, an opportunity can be given to the petitioners to decide the suit on merits.

7. In view of the same, this Court is inclined to interfere with the order passed by the Court below and by imposing a condition directing the petitioner to pay cost.

8. In the result, the fair and decreetal order dated 07.02.2022 made in I.A.No.252 of 2018 in O.S.No.354 of 2013 on the file of the I Additional Subordinate Judge, Villupuram passed is set aside and the application filed in I.A.No.252 of 2018 is allowed subject to the condition that the petitioner shall deposit a sum of Rs.5,000/- towards cost payable to the respondents/plaintiffs within a period of 10 days from the date of receipt of a copy of this order.

9. If this condition is complied with, the Court below shall proceed to set aside the *ex-parte* decree and deal with the main suit on merits and dispose of the same within a period of three(3) months thereafter.

10. If this condition is not complied with, the order passed by the Court below shall stand revived.



11. In the result, this Civil Revision Petition is allowed in the above terms. No costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MP

To

1. I Additional Subordinate Judge, Villupuram.



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N.ANAND VENKATESH J.

mp
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