



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6039 of 2025

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1. C. Balasubramaniam
S/o P.Chinnasamy,
373,Agasthilingampalayam, Kovai Road,
Kangayam, Kangayam Taluk, Tiruppur
Dist.

Petitioner(s)

Vs

1. V.Ravichandran
S/o R.Velusamy, 237, Udeyar Colony,
Kovai Road, Kangayam Taluk, Tiruppur
Dist.

Respondent(s)

Revision filed under Article 227 of Constitution of India against the fair and final order dated 10.10.2025 passed in I.A.No.1 of 2025 in O.S.No.264 of 2024 on the file of Subordinate Court, Kangayam.

For Petitioner(s): D.Rameshkumar

For Respondent(s): S.Karthikeyan

ORDER

Heard the learned counsel for the parties.

2.The revision is directed against the dismissal of an application filed under Section 5 of Limitation Act refusing to condone the delay of 89 days in filing an



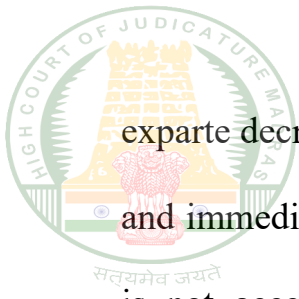
application to set aside the exparte decree. The respondent, as plaintiff, instituted a suit in O.S.No.264 of 2024 for recovery of a sum of Rs.4,50,000/- together with interest based on a promissory note executed by the revision petitioner.

3. The revision petitioner remained exparte and the suit was decreed. Thereafter, the petitioner filed an application under Section 5 of Limitation Act to condone the delay of 89 days in filing the application to set aside the exparte decree.

4. The trial court, on enquiry, dismissed the said application, as against which, the present revision has been filed. At the time of interim orders, this Court had directed the petitioner to deposit a sum of Rs.1,00,000/- to the credit of the suit before Sub Court, Kangeyam. The said conditional order has also been complied with.

5. I find that written statement has also been filed and the suit is ripe for trial.

6. Though the learned counsel for the respondent has stated that absolutely no reasons have been assigned in the application to condone the delay, I find that the petitioner has stated that in March 2025 he was not keeping good health. However, I find that he could contact his counsel only on 30.07.2025. I find, as rightly pointed out by the learned counsel for the respondent, the petitioner had entered appearance in the execution petition even on 10.07.2025, he cannot feign ignorance of the



exparte decree thereafter. Therefore to contend that he came to know only on 30.07.2025 and immediately an application to set aside the exparte decree was filed on 01.08.2025 is not acceptable on the face of the averments made in the affidavit. However, considering the fact that the petitioner has denied the borrowing and also the execution of the promissory note, I deem it fit to give one opportunity to the petitioner to contest the suit on merits. However, at the same time, in view of the reasons set out in the affidavit not being convincing, I am inclined to put the petitioner on further terms to allow the revision.

7. In the light of the above, the revision is allowed on the following conditions:-

(i) The petitioner shall deposit a further sum of Rs.1,00,000/-(Rupees One Lakh Only) to the credit of O.S.No.264 of 2024 on the file of Subordinate Court, Kangeyam within a period of four weeks from the date of receipt of a copy of this order.

(ii) Subject to the compliance of the conditional order in clause (i) supra, the trial court shall set aside the order passed in I.A.No.1 of 2025 and the application to set aside the exparte decree shall also be formally allowed.



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P.B.BALAJI.,J

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(iii) The trial court shall frame issues within a period of one week thereafter and expedite the trial in the main suit and after affording a fair and reasonable opportunity to both the parties, shall dispose of the suit on or before 31.07.2026.

(iv) Subject to the result of the suit, it shall be open to the parties to seek withdrawal of the amounts deposited.

17.02.2026

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Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order

To

The Subordinate Court, Kangeyam

CRP No. 6039 of 2025