

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:31.08.2026

Pronounced on:11.09.2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI**CRP. No.243 of 2026
and CMP. No.1152 of 2026**

Ramesh Kumar

..Petitioner

Vs

Dhamodharan

..Respondent

PRAYER: This Civil Revision Petition has been filed under Section 115 of the CPC, to set aside the fair and final order dated 04.09.2025, in I.A. No.3 of 2025 in O.S. No.49 of 2019 on the file of the IV Additional District Judge, Erode District at Bhavani.

For Petitioner(s): Mr.C.Ramaraj

For Respondent(s): Mr.J.Titus Enock

ORDER

The defendant in O.S. No.49 of 2019, on the file of the IV Additional District Judge, Erode District at Bhavani, is the revision petitioner.

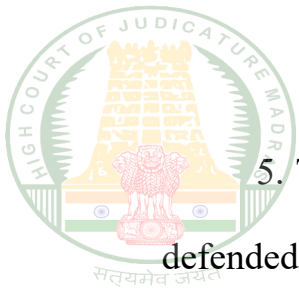


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2. The petitioner filed an application seeking condonation of a delay of 922 days, in filing the application to set aside the exparte decree. On contest, the said application was dismissed. As against which, the present revision petition has been filed.

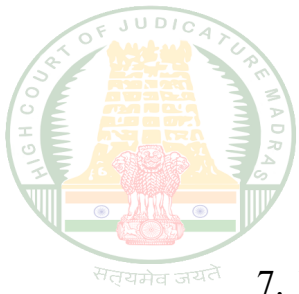
3. I have heard Mr.C.Ramaraj, learned counsel for the revision petitioner and Mr.J.Titus Enock, learned counsel for the respondent.

4. Mr.C.Ramaraj, learned counsel for the revision petitioner would state that the Trial Court has failed to give a liberal and elastic interpretation to sufficient cause occurring in Section 5 of the Limitation Act, 1963. He would further state that the suit is one for specific performance of an agreement of sale and the valuable rights of the revision petitioner are at stake and hence, the Trial Court should have adopted a liberal approach and condoned the delay thereby, providing an opportunity to the petitioner to defend the suit on merits.



5. The learned counsel would also state that the suit was being diligently defended by the petitioner and only in November, 2021, when the suit was posted for cross examination of P.W.1, the petitioner could not concentrate on the litigation in view of his mother's ill health. He would further state that thereafter even his sister suffered from serious medical conditions and therefore, he could not pay due attention to the suit. He would also state that the judgment and decree passed by the Trial Court is non speaking and not in-conformity of Order 20, Rule 4 CPC. He would therefore pray for the revision being allowed.

6. Per contra, Mr.Titus Enock, learned counsel for the respondent would state that the petitioner has not assigned any valid reasons explaining the huge and inordinate delay of 922 days and rightly, the Trial Court has dismissed the application. He would further state that the even the defence taken in the suit that it was only a loan transaction and the consideration being very low cannot be given any weightage, since for the very same consideration, the petitioner has sold adjoining lands in the neighbourhood and only in order to protract the proceedings at the instigation of one of the purchasers, the petitioner has taken out the application. He therefore prays for dismissal of the Civil Revision Petition.



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7. I have carefully considered the submissions advanced by the learned counsel for the parties.

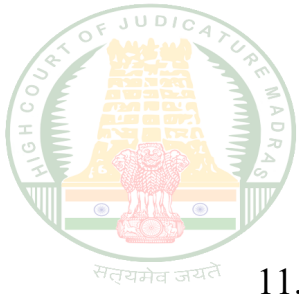
8. As already referred herein above, the suit was filed by the respondent for specific performance of an agreement of sale. An ex parte decree came to be passed, pursuant to which an Execution Petition has also been filed in E.P. No.11 of 2023 and sale deed was also executed by the Court in favour of the respondent. On going through the records as well as the order of the Trial Court, I find that even in the Execution Petition for execution of the sale deed, the respondent was served with notice and did not choose to appear and contest the Execution Petition. It is only thereafter that the Court executed the sale deed in favour of the respondent.

9. Though the petitioner claims that his mother was seriously ill and thereafter, his sister was also ill and only under such circumstances, he was not in a position to attend to the suit diligently, the Court below has rightly observed that no documentary evidence has been adduced to substantiate the said causes shown as excuses for non appearance. It is also seen that even in



the EP proceedings, the petitioner was set exparte on 13.10.2023, pursuant to which, sale deed was also executed by the Court on 27.06.2024. It is after all these that the present application under Section 5 of the Act has been filed. The Trial Court has rightly found that the petitioner has not shown sufficient cause to be entitled to discretionary relief under Section 5 of the Limitation Act.

10. Further, though the petitioner has relied on an additional typedset of papers filed in the revision petition, firstly, these documents were not exhibited during the enquiry of the condone delay application before the Trial Court. Secondly, the petitioner is now attempting to improve his version before the Trial Court, by contending that even he was suffering from ill health during that relevant period of time. Despite filing an affidavit for condonation of delay, such a reason was never assigned by the petitioner himself. Therefore, I am unable to give any credence to the additional documents that are now sought to be relied on for the first time before this Court. In any event, this Court is only testing the correctness and validity of the order of the Trial Court and the petitioner did not produce any documents to substantiate his mother and sister's ill health. Therefore, it is not open to the petitioner to now produce documents at the revisional stage.



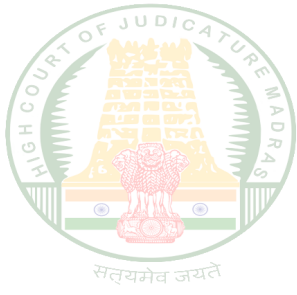
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11. For all the above, reasons I am unable to see any merit in the revision, warranting interference of the well considered order passed by the Trial Court. In fine, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

11-09-2026

Index: Yes/No
Speaking order/Non Speaking Order
Neutral Citation: Yes/No
RKP

To
The IV Additional District Judge,
Erode District at Bhavani.



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CRP No.243 of 2



P.B.BALAJI, J.

RKP

Pre-delivery Order in
CRP. No.243 of 2026
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