

C.R.P.(NPD)(MD).No.1811 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1811 of 2025

and

C.M.P.(MD)No.9911 of 2025

S.R.Ratheesh

... Petitioner

Vs.

K.P.Sankarapandian

... Respondent

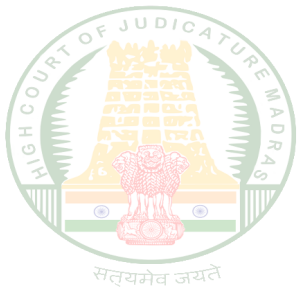
PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records relating to the fair and decreetal order passed by the I Additional District Court, Tirunelveli in I.A.No.1 of 2024 in O.S.no.75 of 2018 dated 03.03.2025 and set aside the same.

For Petitioner : Mr.M.Natarajan

For Respondent : Mr.G.Prabhu Rajadurai

ORDER

This Civil Revision Petition is filed challenging the order passed by the I Additional District Court, Tirunelveli in I.A.No.1 of 2024 in O.S.No.75 of 2018, dated 03.03.2025



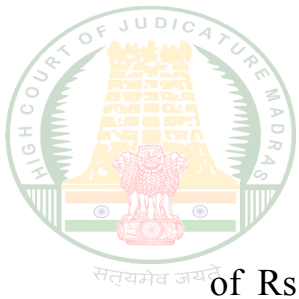
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2.The petitioner is the plaintiff in the suit filed by the respondent in O.S.No.75 of 2018 for recovery of money to the tune of nearly Rs.40 lakhs. The said suit was decreed *ex-parte* on 24.08.2021. The petitioner filed an application in I.A.No.1 of 2024 to condone the delay of 816 days to set aside the *ex-parte* decree. However, the said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the suit filed by the respondent as against the petitioner for recovery of money was decreed *ex-parte* on account of the failure on the part of the petitioner to file the written statement within the prescribed time. The petitioner came to know about the decree only at the time of receiving notice in the execution petition. Immediately thereafter, the petitioner filed an application to condone the delay in filing application to set aside the *ex-parte* decree. However, the trial Court without considering the plea of the petitioner, has dismissed the application filed by the petitioner and the same is not sustainable.

4.The learned counsel for the petitioner further submits that during the earlier hearing on 01.07.2025, this Court directed the petitioner to pay a sum



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of Rs.5 lakhs to show his *bona fide*. Today, the learned counsel for the petitioner fairly submits that the petitioner has complied with the said direction. Hence, he seeks for appropriate orders.

5.Per contra, the learned counsel for the respondent submits that the petitioner earlier filed a suit in O.S.No.106 of 2011 as against one Rethinakumari for recovery of money and the same was decreed in favour of the petitioner. Further, around Rs.55 lakhs was also deposited in the suit filed by the petitioner. The petitioner filed an execution petition in that suit and the same is pending in E.P.No.4 of 2016. For attaching the amount deposited in that suit, the respondent has filed a petition in I.A.No.506 of 2018 in that suit the said application is also pending. If the petitioner agrees to attach the amount deposited in the money suit filed by him as against one Rethinakumari, then the respondent will have no serious objection to permit the petitioner to re-adjudicate the suit.

6.In view of the above said submission and in view of the fact that the respondent has not raised any serious objection to set aside the *ex-parte* decree passed as against the petitioner, the petitioner is directed to file an



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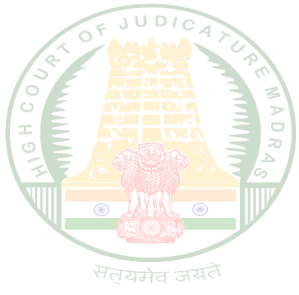
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affidavit before the trial Court that he has no objection for attaching the amount pending in E.P.No.4 of 2016 to the tune of Rs.55 lakhs apart from the amount already deposited by the petitioner to the tune of Rs.5 lakhs before the trial Court pursuant to the direction issued by this Court, within a period of two weeks from the date of receipt of a copy of this order. On filing such affidavit, the trial Court is directed to restore the suit in O.S.No.75 of 2018 on file and dispose of the same within a period of one year from the date of filing of the affidavit. In the event if the petitioner failed to file the affidavit as stated supra, the trial Court is directed to proceed with the execution proceedings in accordance with law.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

01.08.2025

NCC : Yes/No
Internet : Yes / No
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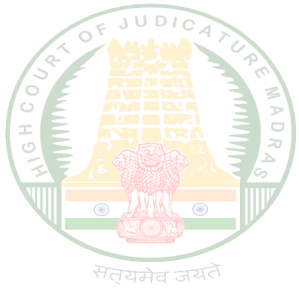


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To

- 1.The Additional District Court, Tirunelveli.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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