



C.R.P(MD).No.2032 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

C.R.P(MD).No.2032 of 2026

C.M.P(MD).No.9742 of 2026

1.R.Jeyachitra

2.Ramu @ Raman

... Petitioners

Vs

A.Govindarajan

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order dated 09.01.2023 in I.A.No.164 of 2021 in O.S.No.110 of 2018 on the file of the Principal District Court, Dindigul and allow the civil revision petition.

For Petitioners : Mr.S.Sankar

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners seeking to condone the delay of 931 days in filing petition to set aside the *ex-parte* order passed against them.

2.The respondent herein filed a suit for specific performance and the said suit was decreed *ex-parte* on 13.07.2018. Thereafter, the petitioners filed an application to set aside the *ex-parte* decree along with the petition to condone the delay of 931 days in filing such petition. These petitions were filed on 02.07.2021. Vide impugned order, the Trial Court dismissed



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the condone delay petition. Aggrieved by the same, the petitioners have come before this Court.

3.The learned counsel appearing for the petitioners would submit that at the relevant point of time, the petitioners were not available in the address given in the plaint and they were out of their native place and therefore, suit summons were not duly served on the petitioners. It was also stated that in the execution petition also, no notice was served on the petitioners and that the sale deed was executed by the Executing Court in the execution proceedings without properly serving on the judgement-debtors.

4.It is seen from the typed set of papers that the suit summons were served on the petitioners on 24.06.2018. Though the petitioners during the course of argument before the Trial Court, denied their signature found in the suit summons, they have not taken any steps to compare the signature found in the suit summon with their admitted signature. They also failed to produce any material to show that they were out of native place and residing at Chennai at the relevant point of time. It is also seen that in the execution proceedings also, notice was served on the petitioners. In such circumstances, the reasoning given by the petitioners that they were residing out of native place and suit summons were not properly served on them was found to be false by the Trial Court.



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WEB COPY5. It is also submitted by the petitioners that due to COVID outbreak, there was delay in approaching the Court seeking to set aside the *ex-parte* decree. In the affidavit, the petitioners have not stated the date on which they acquired knowledge about the suit. They were set *ex-parte* and *ex-parte* decree was passed against them in July-2018 and COVID outbreak had taken place only March-2020. In such circumstances, the other reason given by the petitioners for delay in filing petition to set aside the *ex-parte* decree also cannot be accepted. I do not find any error in the impugned order passed by the Trial Court. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

29.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

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To

1.The Principal District Judge, Dindigul.

2.The Section Officer,

VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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