

C.R.P.(MD)No.3662 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3662 of 2025

and

C.M.P.(MD)No.19377 of 2025

Naga Perumal

... Petitioner

-VS.-

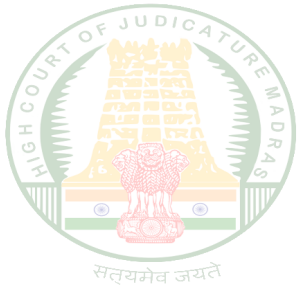
Shanmuga Sundaram

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair order passed in I.A.No.1 of 2024 in O.S.No.95 of 2023 on the file of the Subordinate Court, Aruppukottai, dated 22.08.2025 by allowing this Civil Revision Petition.

For Petitioner :Ms.P.Jessi Jeeva Priya

For Respondent :Mr.S.Anandhakumar



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Aruppukottai, in I.A.No.1 of 2024 in O.S.No.95 of 2023 dated 22.08.2025.

2.Heard Ms.P.Jessi Jeeva Priya, learned Counsel for the petitioner and Mr.S.Anandhakumar, learned Counsel for the respondent.

3.The petitioner is the plaintiff in the suit in O.S.No.95 of 2023 on the file of the Subordinate Court, Aruppukottai. The respondent is the defendant in the suit. The suit in O.S.No.95 of 2023 has been filed for specific performance and for other reliefs. As the defendant did not appear before the Court below on 04.09.2023, he was set *ex parte* and *ex parte* judgment was passed on 12.01.2024. Thereafter, the petitioner has filed an application in I.A.No.1 of 2024 in O.S.No.95 of 2023 under Section 5 of the Limitation r/w Section 151 of CPC to condone the delay of 49 days in filing the petition to set aside the *ex parte* decree passed against the defendant, dated 12.01.2024 on the



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ground that due to jaundice, he could not appear before the Court. The Court below, vide impugned order, dated 22.08.2025, had allowed the said application. Challenging the same, the plaintiff is before this Court.

4.The learned Counsel for the petitioner submitted that the Court below ought to have considered that the respondent/defendant has not filed any documents to substantiate his case. He further submitted that the respondent has not filed any medical evidence to prove that he was suffering from jaundice and that the petitioner has not shown sufficient cause for the delay and that the petitioner, who is well aware of the proceedings pending before the Court below, has failed to appear before the Court below only with an intention to drag on the proceedings. However, without considering the above facts, the Court below passed the impugned order, which needs interference of this Court.

5.*Per contra*, the learned Counsel for the respondent submitted that as the petitioner was suffering from jaundice, he could not appear before the trial Court and by considering the explanation offered by the respondent, the Court



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below has rightly passed the impugned order, which needs no interference of this Court.

6.This Court considered the submissions made on either side and perused the materials available on record.

7.Considering the facts and circumstances of the case and also perusing the impugned order passed by the Court below, it is seen that the respondent was suffering from the jaundice and that he was not able to attend the Court on 04.09.2023 and considering the said fact and in the interest of justice, the Court below has passed the impugned order. Hence, this Court does not find any infirmity or irregularity in the order passed by this Court.

8.In view of the above, the Civil Revision Petition is dismissed. The order passed by the learned Subordinate Judge, Aruppukottai, in I.A.No.1 of 2024 in O.S.No.95 of 2023 dated 22.08.2025, subject to condition that the respondent shall pay a sum of Rs.2,500/- to the credit of Madurai Bench of Madras High Court Advocates Welfare Fund, having AC.No.7087208431,



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Indian Bank, High Court Branch, Madurai Bench Madras High Court Campus,
Madurai, IFSC.Code: IDIB000H040 within a period of one week from today.

9.Post the matter for reporting compliance on 08.01.2026.

17.12.2025

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

The Subordinate Judge, Aruppukottai.



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N.SENTHILKUMAR, J.

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