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IN THE HIGH COURT OF JUDICATURE AT MADRAS

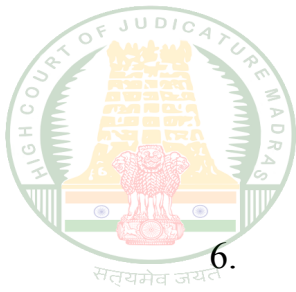
DATED: 12-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP (NPD) NO. 2251 of 2023

1. Dr.Jay Joe Annaji
S/o. Joe Annaji
Flat No.B-1, First Floor
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.
2. Mrs.Sowmya SV
W/o. Jay Hoe Annaji
Flat No.B-1, First Floor
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.
3. Mrs.S.Mekala
W/o. Suresh Kannan
Flat No.E-1, First Floor
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road,
Salem.
4. Dr.S.Ramesh Kumar
S/o. A.Sampath Kumar
Flat No.A-2, Second Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.
5. Dr.R.Vidhya Rani
W/o. Dr.Ramesh Kumar
Flat No.A-2, Second Floor,
Sri Vijay Anand Paradise



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Door No. 95/9, Gandhi Road
Salem.

6. Mr.A.Sampath Kumar
S/o. Angamuthu
Flat No.B-2, Second Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

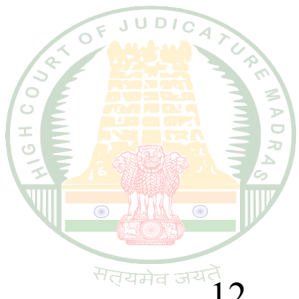
7. Mrs. S.Kirupalakshmi
W/o. A.Sampath Kumar
Flat No.B-2, Second Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

8. Mr.S.Jayakumar
Rep. by power of Attorney
Mr.V.Ramakrishnan
S/o. A.S. Venkatram
Flat No.E-2, Second Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

9. Dr.N.Kannan
S/o. E.Venkatesan
Flat No.A-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

10. Dr.G.B.Hemalatha
W/o. Dr.N.Kannan
Flat No.A-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

11. Dr.Thajudeen
S/o. Mr.Abdur Rahim
Flat No.B-3, Third Floor,



Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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Mr.Nizar Ahamed
S/o. Dr.Thajudeen
Flat No.B-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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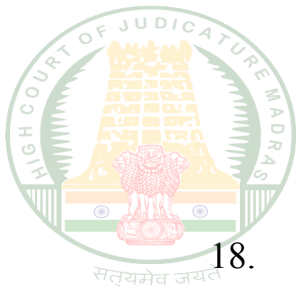
13. Dr.M.K.Selvakalanjiyam
S/o.Kunjappillai
Flat No.C-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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14. Dr.Nagaraj
S/o. A.Ramasamy
Flat No.D-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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15. Mrs.V.S.Jayanthi Prakash
W/o. V.S.Shanthi Prakash
Flat No.A-4, Fourth Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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16. Mr.V.S.Shanthi Prakash
S/o. Surianarayanan
Flat No.B-4, Fourth Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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17. Mr.v.Mukeshlall
S/o. Mr.K.Vasudev
Flat No.D-4, Fourth Floor,
Sri Vijay Anand Paradise



Door No. 95/9, Gandhi Road
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18. Mrs.M.Rama
W/o. Mukeshlal
Flat No.D-4, Fourth Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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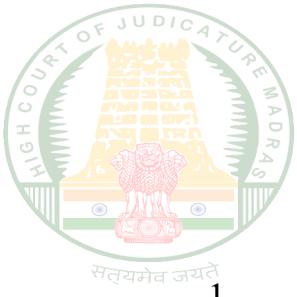
19. Mr.P.Ganesan
S/o. M.Palani
Flat No.E-4, Fourth Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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20. Mrs.G.Vimala
W/o.Mr.P.Ganesan
Flat No.E-4, Fourth Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
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21. Mr.V.S.Vetrivel
S/o. Singaravel
Flat No.E-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

22. Mr.V.Tamil Selvi
W/o. Vetrivel
Flat No.E-3, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

23. Mr.C.Ramesh
S/o. Chinnasamy
Flat No.C-1, Third Floor,
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road



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Petitioners/Plaintiffs/Petitioners

Vs

1. Mrs. Thangam
W/o. K.Sengodan

2. Mr.K.Sengodan
S/o. Karuppa Goundar

Both residing at Flat No. A-1 First Floor
Sri Vijay Anand Paradise
Door No. 95/9, Gandhi Road
Salem.

Respondents/Defendants/Respondents

PRAYER: Civil Revision Petition filed under Section 115 of CPC to set aside the order dated 07.01.2023 made in I.A.No. 1 of 2022 in O.S.No. 318 of 2014 on the file of IV Additional District Munsif Court, Salem.

For Petitioner(s): Mr. R.Asokan

For Respondent(s): Mrs.P.Veena

ORDER

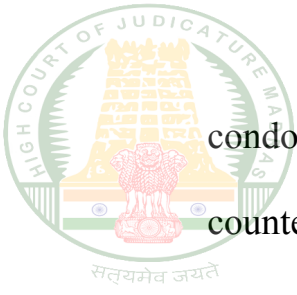
This Civil Revision Petition arises out of an order passed by the learned IV Additional District Munsif Court, Salem, dismissing I.A.No. 1 of 2022 in O.S.No. 318 of 2014.



2. I.A.No. 01 of 2022 was taken out by the plaintiffs for condonation of delay of 220 days in filing the application to set aside the dismissal of the suit for default.

3. It is the contention of the learned counsel for the revision petitioners Mr.R.Asokan that out of 23 plaintiffs, 8 are Doctor and they were allotted Covid duties and the suit also came to be dismissed during that period, which has been exempted by the Hon'ble Supreme Court in (2022) 3 SCC 117 [Cognizance for extension of Limitation in RE]. Hence, the learned counsel states that the suit being for declaration and the plaintiffs should be given an opportunity to prosecute the suit. He further states that the trial Court has erroneously found that only one of the plaintiffs had sworn to the affidavit as against 23 plaintiffs and on that ground also, the application has been dismissed.

4. Per contra, Mrs.P.Veena, learned counsel for the respondent states that there is no proper explanation or sufficient cause shown by the petitioners seeking condonation of delay as rightly held by the trial Court. She further states that there is no reason in the order passed by the learned Additional District Munsif Court for dismissing th application for



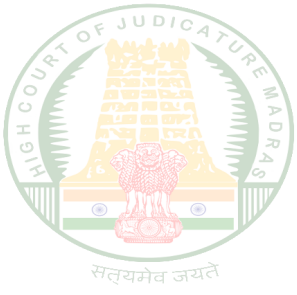
condonation of delay. She also states that the defendants have taken out a counter claim and the same is yet to be taken on file.

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5. I have carefully considered the arguments advanced on both sides.

6. The suit has been filed for declaration and at the stage of trial, the suit came to be dismissed. On the date of dismissal of the suit on 17.11.2021, the exemption in lieu of Covid lock down was in force as held by the Hon'ble Supreme Court. If the period reckoned by the Hon'ble Supreme Court is also factored, then as contended by Mr.R.Asokan, the delay would be only 40 days. The suit has been filed for the relief of declaration and therefore, the plaintiffs should not be non suited on the ground of delay.

7. In the light of the above, this Civil Revision Petition stands allowed and the order in I.A.No. 1 of 2022 dated 07.01.2023 is set aside and the application to restore the suit is also suo moto ordered. Consequently, O.S.No. 318 of 2014 on the file of IV Additional District Munsif Court, Salem, shall be taken up for trial and the learned IV Additional District Munsif Court shall expedite the trial in the said suit and dispose of the suit on or before 31.01.2026.



P.B. BALAJI, J.

vsg

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8. The Trial Court shall also entertain the counter claim and also permit the plaintiffs to file reply statement to the same within a period of four weeks from the date of counter claim being taken on record.

12-09-2025

vsg

To

IV Additional District Munsif Court, Salem.

CRP (NPD) NO. 2251 of 2023