

C.R.P.No.3150 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.3150 of 2025

&

C.M.P.No.17542 of 2025

Tr.Selvaraj

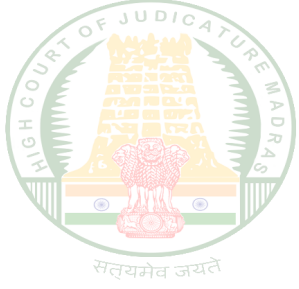
..Petitioner

Vs.

1. The District Collector,
Ariyalur District.
2. The Revenue Divisional Officer,
Ariyalur Taluk & District.
3. The Tahsildar,
Ariyalur Taluk,
Ariyalur District.
4. Tr.Jeyaraman

..Respondents

PRAYER : Civil Revision Petition filed under Section 115 of CPC, against the fair and decreetal order dated 03.02.2025 passed in I.A.No.1 of 2024 in A.S.SR.No.44 of 2024 by the Principal Subordinate Court, Ariyalur in allowing the petition filed by the respondents 1 to 3 / defendants 1 to 3 under Order 41 Rule 3(A) of CPC to condone the delay of 4722 days in preferring first appeal against the contested decree dated 25.11.2011 passed in O.S.No.368 of 2010, on the file of Additional District Munsif Court, Ariyalur.



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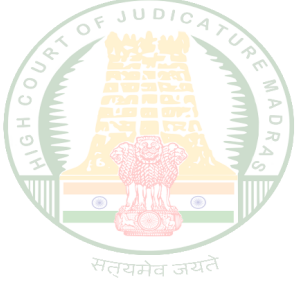
For Petitioner : Ms.Usha Ramman
For Respondents : Mr.V.Balakrishnan
Government Counsel for R1 to R3
No appearance for R4

ORDER

This civil revision petition has been filed challenging the order dated 03.02.2025 passed by the Principal Sub Court at Ariyalur, in I.A.No.1 of 2024 in A.S.SR.No.44 of 2024.

2. The petitioner is the first respondent in A.S.SR.No.44 of 2024. The petitioner / plaintiff filed a suit for declaration before the trial Court to declare that he is the absolute owner of the suit schedule property. The trial Court also passed a judgment and decree in favour of the petitioner / plaintiff. Aggrieved by the same, the respondents 1 to 3 herein / defendants 1 to 3 filed an appeal in A.S.SR.No.44 of 2024 before the Principal Sub Court, Ariyalur along with an application in I.A.No.1 of 2024 seeking to condone the delay of 4722 days in filing an appeal against the judgment and decree dated 25.11.2011, passed by the Additional District Munsif Court, Ariyalur in O.S.No.368 of 2010.

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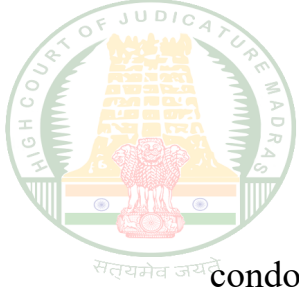
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3. The respondents 1 to 3 / appellants contended that the suit schedule property is a Government Poramboke land and therefore, the petitioner / plaintiff does not have any legal right to claim ownership of the suit schedule property. However, the petitioner / plaintiff disputed the same by claiming ownership of the suit schedule property by virtue of an assignment order passed in his favour by the Government. In the impugned order dated 03.02.2025 passed by the Principal Sub Court, Ariyalur in I.A.No.1 of 2024 in A.S.SR.No.44 of 2024 which was filed seeking to condone the delay of 4722 days in filing the appeal, a condition was imposed that the respondents 1 to 3 / appellants pay a cost of Rs.8,000/- to the petitioner / plaintiff on or before 17.02.2025, failing which it has been made clear that I.A.No.1 of 2024 shall stand dismissed. Aggrieved by the same, the petitioner, who is the plaintiff in the suit has filed this civil revision petition challenging the impugned order after refusing to receive the cost of Rs.8,000/- from the respondents 1 to 3.

4. The petitioner / plaintiff has contended before this Court that no sufficient cause has been shown by the respondents 1 to 3 herein for

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condoning the inordinate delay of 4722 days in filing the appeal. The petitioner / plaintiff has contended as follows:

(a) the petitioner / plaintiff filed an execution petition to execute the trial Court judgment and decree;

(b) the petitioner / plaintiff also filed contempt petition for the alleged disobedience of the trial Court judgment and the decree as against the respondents 1 to 3; and

(c) despite having knowledge of the same, the respondents 1 to 3 herein did not choose to file the appeal, if aggrieved by the judgment and decree of the trial Court, within the period of limitation, or atleast within a reasonable time.

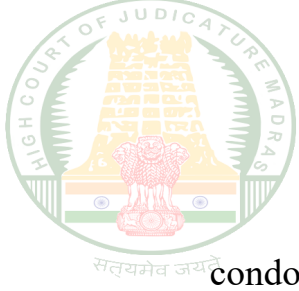
5. However, in the impugned order, the trial Court, while allowing the application seeking to condone the delay of 4722 days in filing the appeal has taken into consideration the plea taken by the respondents 1 to 3 / appellants in the appeal, that the suit schedule property is a Government Poramboke land and after taken into consideration the said fact, has allowed



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the application seeking to condone the delay of 4722 days liberally by imposing a cost of Rs.8,000/- on the respondents 1 to 3 / appellants.

6. As seen from the submissions made by the learned counsel for the petitioner / plaintiff and as well as from the documentary evidence placed on record before this Court by the petitioner / plaintiff, the petitioner / plaintiff has been made to run from pillar to post for the purpose of executing the trial Court judgment which was passed in favour of the petitioner / plaintiff. The petitioner had to file an execution petition before the executing Court and simultaneously, had to file a contempt petition against the respondents 1 to 3 for the alleged disobedience of the trial Court judgment by the respondents. The delay on the part of the respondents 1 to 3 is not an ordinary delay and is an inordinate one of 4722 days. Under the normal circumstances, the party who seeks to condone the delay will have to show sufficient cause for each and every day's delay, but the trial Court through the impugned order despite rightly having taken into consideration the fact that the respondents 1 to 3 claimed that the suit schedule property is a Government Poramboke land, has considered the application seeking to

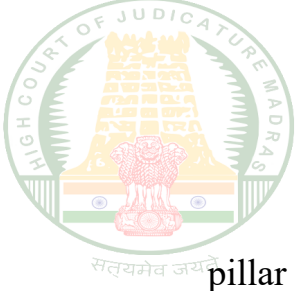


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condone the delay in a liberal manner, by condoning the delay, by imposing a meagre amount of Rs.8,000/- as costs. The trial Court did not take into consideration the fact that the petitioner / plaintiff was earlier having the benefit of the trial Court judgment in his favour, under which he has been declared as the absolute owner of the suit schedule property, and it is an undisputed fact that the petitioner had to file an execution petition to execute the said decree and also had to initiate contempt proceedings against the respondents 1 to 3 for the alleged disobedience of the trial Court judgment. The petitioner / plaintiff has filed this civil revision petition before this Court aggrieved by the impugned order condoning the inordinate delay of 4722 days in filing the appeal, on payment of cost of Rs.8,000/-.

7. This Court although not inclined to interfere with the reasoning given by the trial Court for allowing the application seeking to condone the inordinate delay of 4722 days in filing the appeal, however, is of the considered view that, the trial Court ought to have imposed a higher cost than what was imposed in the impugned order, which is Rs.8,000/-. This Court after giving due consideration to the fact that the petitioner has been made to run from

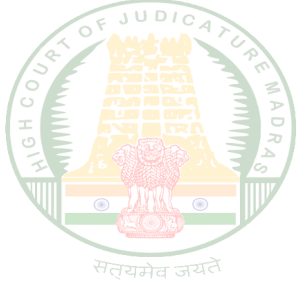


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pillar to post earlier, in order to execute the trial Court judgment and certainly, the petitioner would have incurred huge expenditure by way of lawyer's fee, Court fees and other expenses, this Court is of the considered view that the cost imposed by the trial Court is not in consonance with the agonies suffered by the petitioner / plaintiff on account of the inordinate delay, on the part of the respondents 1 to 3 herein in filing the appeal even though the petitioner / plaintiff had succeeded before the trial Court. Therefore, this Court imposes a cost of Rs.1,00,000/- (Rupees One Lakh only) instead of Rs.8,000/- fixed by the trial Court in the impugned order.

8. The decisions relied upon by the learned counsel for the petitioner in the case of *Postmaster General and others vs. Living Media India Limited and another* reported in (2012) 3 SCC 563 and the *State of Madhya Pradesh and others vs. Bherulal* reported in (2020) 10 SCC 654 do not have any bearing to the facts of the instant case. In those decisions, the Court was not dealing with the situation where the subject land claimed was a Poramboke land. Therefore, while deciding the application seeking to condone the delay, it depends upon the facts and circumstances of each case.



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9. For the foregoing reasons, this Civil Revision Petition is disposed of by not interfering with the reasons given by the Court below for allowing I.A.No.1 of 2024, seeking to condone the delay of 4722 days in filing the appeal in A.S.SR.No.44 of 2024, but however, modifies the cost to be paid by the respondents 1 to 3 to the petitioner / plaintiff from Rs.8,000/- to Rs.1,00,000/- (Rupees One Lakh only). The said cost will have to be paid to the petitioner / plaintiff within a period of eight weeks from the date of receipt of a copy of this order. The cost is being revised by this Court from Rs.8,000/- to Rs.1,00,000/-, so that, in future, the respondents 1 to 3, being the State, are not lethargic in filing appropriate proceedings before the Court of law. No costs. Connected miscellaneous petition is closed.

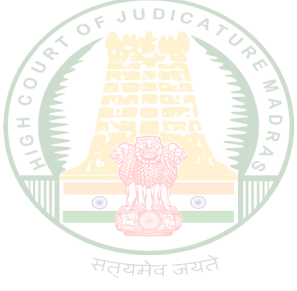
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NCC: Yes

Index : Yes / No

Speaking Order : Yes / No

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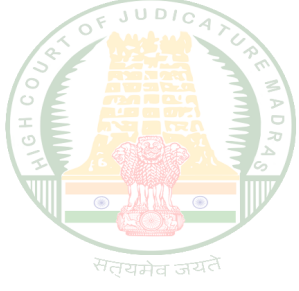


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ABDUL QUDDHOSE, J.

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