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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 2246 of 2025
and CMP No. 13040 of 2025**

Parthiban

Petitioner(s)

Vs

1. Udyayakumar

2. Kuppasamy Gounder

3. Eswari

Respondent(s)

PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the above CRP by setting aside the Fair and Final Order dated 12.03.2025, passed in IA No. 1 of 2024 in OS No. 226 of 2017 on the file of the District Munsif Court, Dharapuram, Tiruppur District.

For Petitioner(s): Mr. P. Navaneethakrishnan

For Respondent(s): Mr. V. K. Vengadesh Durai Raja
for R1
R2 & R3 - NRN

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decretal order dated 12.03.2025, passed in IA No. 1 of 2024 in OS No. 226 of 2017 on the file of the District



Munsif Court, Dharapuram, Tiruppur District, wherein the application filed by the 1st respondent/plaintiff to condone the delay of 258 days in filing the restoration application, came to be allowed by the Court below.

2. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3. The 1st respondent/plaintiff filed a suit in O.S.No.226 of 2017 seeking for the declaration and recovery of possession. This suit was dismissed for default on 02.06.2023. The application in IA. No.1 of 2024 came to be filed to condone the delay of 258 days in filing the restoration application. The Court below allowed this application by imposing a cost of Rs.2,500/- payable by the 1st respondent/plaintiff. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

4. The Court below, while dealing with the application, took into consideration the fact that the substantial rights of the 1st respondent/plaintiff are involved and since there was a delay, the Court below thought it fit to impose a cost of Rs.2,500/- payable by the 1st respondent/plaintiff. This order passed by the Court below does not suffer from any perversity warranting the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution



of India. Ultimately, the suit is of the year 2017 and hence, progress has to be made in the main suit instead of stifling the 1st respondent/plaintiff without even permitting him to prosecute the suit.

5. In the result, this Civil Revision Petition stands dismissed. There shall be a direction to the District Munsif Court, Dharapuram, to dispose of the suit in O.S.No.326 of 2026, within a period of six months from the date of receipt of copy of this order. Before proceeding further, the Trial Court below shall verify as to whether the plaintiff has paid the cost imposed by the Trial Court, failing which the relief will not enure in favour of the plaintiff. No Costs. Consequently, the connected miscellaneous petition is closed.

20-08-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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N.ANAND VENKATESH J.

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To

The District Munsif Court, Dharapuram, Tiruppur District.

CRP No. 2246 of 2025

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