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CRP Nos. 2213 and 2214 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP Nos. 2213 and 2214 of 2026

1. G. Rukumani (Deceased)
N.Govindhan (Deceased) 1.G.Elumalai,
S/o.Govindhan, No.38, Vellanoor Village,
Madur, Aarikkambedu, Perandaiamman
Kanndigai, Chennai. and 2 Others

2. G. Veeraraghavan
S/o. Govindhan, Res. at No.38, Vellanoor
Village, Madura, Aarikkambedu,
Perandaiammal Kanndigai, Chennai.

3. G. Damodharan
S/o. Govindhan, Res. at No.38, Vellanoor
Village, Madura, Aarikkambedu,
Perandaiammal Kanndigai, Chennai.

Petitioners in both the revisions

Vs

1. R. Pattammal
W/o. Raghavapillai, New No.10, Elumalai
Street, Subramani Road, Saidapet, Chennai
- 15.

Respondent in both the revisions

Revisions filed under Section 115 of the Civil Procedure Code against the order and decretal order passed in I.A.Nos.2 and 1 of 2022 in I.A.No.843 of 2017 in



CRP Nos. 2213 and 2214 of 2020

O.S.No.518 of 2009 dated 18.11.2024 on the file of District Munsif Court, Ambattur.

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For Petitioner(s): M/s. M.L. Ramesh

For Respondent(s): M/s.C.D.Sugumar

ORDER

Heard Mr.M.L.Ramesh learned counsel for the petitioners and Mr.C.D.Sugumar, learned counsel for the respondent.

2. The petitioners are the plaintiffs in O.S.No.518 of 2009. The suit has been filed for declaration of title and consequential reliefs. The suit was dismissed for non-prosecution and an application in I.A.No.843 of 2017 was filed under Order IX Rule 9 of Civil Procedure Code in I.A.No.843 of 2017 and the same was posted for filing counter of the respondent/defendant. However, on the said date, the application has been dismissed for non-prosecution noticing that there was no representation on the side of the plaintiffs. Thereafter, an application has been taken out to restore I.A.No.843 of 2017, however, with a delay of 1003 days.

3. Mr.M.L.Ramesh learned counsel for the petitioners taking me through the affidavit filed in support of the application states that it was only due to intervening COVID period that the application was not filed immediately and more over, on the



date of dismissal of I.A.No.843 of 2017, there was no necessity for the petitioners to appear since the case was listed only for filing of counter by the respondent/defendant.

4. Mr.C.D.Sugumar, learned counsel for the respondent would however state that the affidavit is bereft of any particulars excepting for taking umbrage under COVID Pandemic. He would also state that the respondent had earlier filed a suit for injunction against the husband of the first plaintiff and the said suit has been decreed and it is second round of litigation and moreover, the relief sought for is that the plaintiffs are claiming title by way of adverse possession which does not deserve any merit in the eye of law. Be that as it may, presently, this Court is concerned with the dismissal of the application to condone the delay of 1003 days in filing the application to restore I.A.No.843 of 2017 which was dismissed for non-prosecution on 25.02.2019. The Hon'ble Supreme Court in suo-motu COVID Case (Suo Motu Writ Petition (Civil) No.3 of 2020 dated 08.03.2021) exempted the period of limitation commencing from 15.03.2020 upto 28.02.2022. Admittedly, I.A.No.843 of 2017 was dismissed on the verge of onset of the COVID Pandemic on 25.02.2019 and the application to restore was also filed in 2021 during which time the limitation exemption was very much available.

5. In the light of the above, I am inclined to set aside the order of the trial



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P.B.BALAJI.,J

sr

Court in I.A.Nos.1 and 2 of 2022 and restore E.P.No.843 of 2017 to file. The District Munsif Ambattur shall enquire into I.A.No.843 of 2017 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. In the result, both the civil revision petitions are allowed. No costs.

07.07.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The District Munsif Court, Ambattur

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