



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.4907 of 2026

and

C.M.P.No.21453 of 2026

K.Akbar
S/o.Kadhar

..Petitioner

Vs

R.Vijaya
W/o.A.Raja

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 16.10.2025 made in I.A.No.1 of 2025 in OSCFR No.1364 of 2025 on the file of the Sub Judge, Udhagamandalam.

For Petitioner : Mr.K.Sathish Kumar

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.1 of 2025 in OSCFR No.1364 of 2025 dated 16.10.2025 by the learned Sub Judge, Udhagamandalam, wherein the Court below refused to take the suit on file on the ground that there was a substantial delay of 931 days in presenting the papers.



2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

WEB COPY

3. The petitioner is the plaintiff and initially, he filed the suit in O.S.No.151 of 2011 on the file of the District Munsif Court, Udagamandalam, seeking for the relief of mandatory injunction and permanent injunction and for delivery of possession. When the suit was pending, the District Munsif Court, Udagamandalam, found that it did not have the pecuniary jurisdiction to decide the suit and accordingly, returned the plaint to be filed before the appropriate forum on 13.12.2022.

4. The petitioner, thereafter, filed the plaint before the Sub Court, Udagamandalam, with a delay of 931 days. The reasons assigned by the petitioner are that the bundle was misplaced and it was not able to be traced and hence, there was a delay.

5. The Court below refused to take the plaint on file on the ground that there was no sufficient cause shown by the petitioner to condone the delay of 931 days. Aggrieved by the same, the present revision has been filed before this Court.



6. In the considered view of the Court, the petitioner was prosecuting the suit from the year 2011 before the District Munsif Court, Udagamandalam and it was pending till 2022. Thereafter, the plaint was returned to be presented before the concerned jurisdictional Court and there was some delay in presenting the plaint before the Sub Court, Udagamandalam. The delay, by itself, should not be a ground for the Court below to refuse to take the plaint on file since it defeats the substantive right of the petitioner. Hence, this Court is inclined to interfere with the order passed by the Court below by imposing stringent condition.

7. In the light of the above discussion, the order passed in I.A.No.1 of 2025 in OSCFR No.1364 of 2025 dated 16.10.2025 by the learned Sub Judge, Udagamandalam, is hereby set aside. There shall be a direction to petitioner to pay cost of Rs.5,000/- [Rupees Five Thousand only] to the District Legal Services Authority, Udagamandalam, on or before 28.08.2026. Along with the receipt for payment of cost, the plaint shall be represented before the Sub Court, Udagamandalam on 31.08.2026. The same shall be entertained by the Court below if the condition has been complied with and the Court below shall proceed further in accordance with law.



WEB COPY

CRP No.4907 of 2



N.ANAND VENKATESH, J.

gm/nm

This civil revision petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

19-08-2026

Note : Issue order copy by 20.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gm/nm

To
The Sub Judge,
Udhagamandalam.

Civil Revision Petition No.4907 of 2026