



THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 17.08.2026

Order pronounced on : 21.08.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.10 of 2026

1.Angayee
2.Poonkodi
3.Selvam
4.Velmurugan

.. Petitioners

Vs.

1.Chinnannan
2.Jayammal
3.Sakthivel
4.Manikandan
5.Sumathi

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 03.09.2025 in I.A.No.1 of 2024 in O.S.No.122 of 2013 on the file of the District Munsif cum Judicial Magistrate, Edappadi.

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.B.Kumarasamy



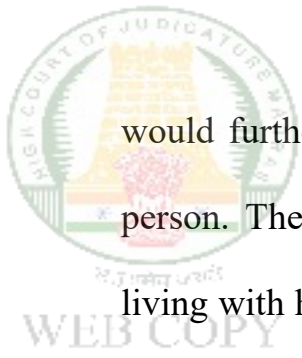
ORDER

This revision petition has been filed to set aside the fair and decreetal order dated 03.09.2025 in I.A.No.1 of 2024 in O.S.No.122 of 2013 on the file of the District Munsif cum Judicial Magistrate, Edappadi.

2.I have heard Mr.N.Manoharan, learned counsel for the revision petitioners/plaintiffs and Mr.B.Kumarasamy, learned counsel for the respondents/defendants.

3.The revision petitioners are the plaintiffs in O.S.No.122 of 2013. The suit came to be dismissed for default on 20.06.2016 and an application was filed in I.A.No.1 of 2024, seeking to condone the delay of 2590 days in filing the application to restore the suit to file. The said application was contested by the respondents/defendants and the learned District Munsif cum Judicial Magistrate, Edappadi, has dismissed the said application, as against which, the present revision has been filed.

4.The learned counsel for the petitioners states that the petitioners had filed a suit to declare a partition deed dated 13.07.2012 as null and void and consequently, for passing a preliminary decree, declaring the legitimate rights of the petitioners in the suit property. He would also point out that the suit came to be dismissed for default, only on account of the petitioners not taking steps to declare the 3rd petitioner as a major. He

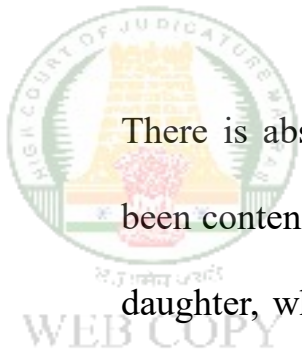


would further state that the 1st petitioner is rustic villager and widow and an illiterate person. The 2nd petitioner is the daughter of the 1st petitioner, who was married and living with her husband and husband's family. The 3rd and 4th petitioners are minor sons. He would therefore state that the petitioners were not aware of the legal formalities and the default, if any, was not deliberate and the petitioners should be given a fair opportunity to prosecute the suit to establish their legitimate and valuable rights in the immovable property. He would therefore pray for the revision being allowed.

5.Per contra, the learned counsel for the respondents would firstly state that the delay of 2590 days is not only inordinate but also not satisfactorily explained. He would contend that absolutely no reasons have been assigned by the petitioners, excepting for contenting that the petitioner is a widow and an illiterate. He would further state that the Trial Court has rightly found that the petitioners have not made out any case for exercise of discretion in their favour. He would therefore pray for dismissal of the revision petition.

6.I have carefully considered the submissions advanced by the learned counsel on either side.

7.The petitioners are four in number. The reasons assigned even in the application to condone the delay of 2590 days is that the 1st petitioner is a widow and an illiterate.



There is absolutely no mention or whisper about the other petitioners. Though it has been contended by the learned counsel for the petitioners that the 2nd petitioner is only a daughter, who got married and left to join the matrimonial home and the petitioners 3 and 4 were minors, the entire responsibility was only on the mother, the 1st petitioner, I am unable to countenance the said submission, for the simple reason that the daughter, despite her marriage and assuming she was away in the matrimonial home, has joined her mother and brothers to file the suit to declare her alleged lawful entitlement in the suit property. Secondly, even according to the learned counsel for the petitioners, the suit was dismissed in 2016 only on the ground that one of the two minors had attained majority and steps were not taken to declare the said minor as major and consequently to discharge guardian. Therefore, one of the minors had already attained majority, even on the date of dismissal of the suit. There is no explanation or reason as to why the said minor, who had already turned major in 2016, did not take any steps to prosecute the suit diligently.

8. The Trial Court has rightly considered the explanation offered by the petitioners and came to the conclusion that the petitioners have not satisfactorily explained the delay of 2590 days and that there has been gross negligence, inaction and want of bonafides on their part, in not even attempting to ascertain the status of the case filed by them. I do not see any perversity or infirmity in the findings arrived at by the Trial Court warranting interference in this revision.



9. In fine, the Civil Revision Petition is dismissed. No costs.

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21.08.2026

Neutral Citation Case : Yes / No

Speaking / Non-speaking order

Index : Yes/No

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To

The District Munsif cum Judicial Magistrate, Edappadi.



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P.B.BALAJI.J,

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Pre-delivery order made in
CRP.No.10 of 2026

21.08.2026