



WEB COPY

CRP No. 610 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

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

CRP No. 610 of 2026

Gunasundari, W/O. Palani,
1st Cross Street, Sundaram Pillai Nagar,
Thandaiyarpettai, Chennai.

..Petitioner(s)

Vs

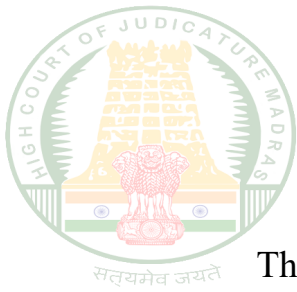
1. Kothandam, S/O. Subramani,
Santhamedu Village, Lakshmimedu,
Mamandoor, Cheyyar Taluk,
Tiruvannamalai District.
2. Shanthi, W/o Venkatesan,
Nadu Street, Thangi Village,
Naickenpettai Post, Walajabad Taluk,
Kancheepuram District.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 115 of CPC to set aside the order dated 27.11.2025 passed in IA.No.1 of 2025 in OS.No.26 of 2016 by the Principal District Judge, Kancheepuram.

For Petitioner(s): Mr. J. Annadurai

For Respondent(s): Mr.D.Murthy



ORDER

This civil revision petition has been filed challenging the dismissal of the Section 5 Limitation petition, seeking condonation of delay of 2564 days in filing an application to restore the suit in O.S.No.26 of 2016, which has been dismissed for default.

2. Heard the learned counsel appearing appearing for the petitioner and the learned counsel for the respondents.

3. The learned counsel for the petitioner/plaintiff states that the suit is one for partition and the plaintiff did not appear on account of the counsel not informing her about the requirements of the plaintiff to be present before the court. He would further states that the petitioner's husband was critically ill and therefore, she had to take care of her husband and hence, she could not attend to the court proceedings. He would further states that though medical records were not produced before the trial court, before this court, the medical records, evidencing the ill health of the petitioner's husband have been filed, which would establish the truth in the averments set out in the affidavit in support of the condone delay petition. The learned counsel would therefore states that an opportunity may be given to the petitioner, though the suit is one for partition and the rights of the petitioner in the immovable property is in question in the suit.



4. Per contra, the learned counsel for the respondent would state that the petitioner has not made out sufficient cause and despite blaming the counsel and also citing ill health of her husband, the petitioner has not produced any medical evidence and the trial court has rightly found that the petitioner has not even given specific dates as to the inability of the petitioner to appear in the court and give instructions to her counsel. Therefore, the learned counsel prayed for dismissal of the civil revision petition.

5. The petitioner, as plaintiff filed a suit for partition in O.S.No.26 of 2016. The said suit came to be dismissed for non prosecution on 19.01.2018, after giving long indulgence to the petitioner to appear before the court. In the affidavit filed in support of the petition in I.A.No. 1 of 2025, seeking condonation of delay in restoring the suit to file, the petitioner has stated at paragraph No.4 that she noted the date of the hearing as 19.01.2018 wrongly and therefore, she could not appear on the said date. Nothing prevented the petitioner from following up the matter, as even according to the petitioner, she states that she wrongly noted the posting of the suit to 19.01.2018. The petitioner does not even state as to which wrong date she had noted down, which prevented her from appearing in the court. In any event the application has been taken out with a delay of 2564 days. Absolutely, there is no explanation whatsoever, justifying such inordinate delay. Though the



petitioner has stated that her husband suffered Heart Attack and she had to take care of him and therefore, she could not contact her counsel to instruct him to file application in time, Medical records were not produced before the trial court. Even though medical records are now sought to be produced, I do not find that the petitioner's husband has been diagnosed with any serious or major ailments as projected by the petitioner in the affidavit. In the light of the above, I do not see any infirmity in the trial court's order, warranting interference in this civil revision petition.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

28-07-2026

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

MST

To

The Principal District Judge, Kancheepuram.



WEB COPY

CRP No. 610 of 2



P.B.BALAJI, J.

MST

CRP No. 610 of 2026

28-07-2026