



CMP(MD). No.2342 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.07.2026

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

**CMP(MD). No.2342 of 2024
in SA(MD)No.SR7136 of 2024
and
CMP(MD). No.4743 of 2024
in SA(MD)No.SR8808 of 2024**

CMP(MD)No.2342 of 2024:

R.Alagarsamy,

... Petitioner

Vs.

1. R.Maheswari,
W/o.Rathinavelu,
No.27, S.S.Nivas,
Old Murugan Talkies, 7th Cross Street,
Thiruvalluvar Nagar, 8th Cross Street,
Palanganatham, Madurai.

2. K.T.Sundar,
S/o.Late. Thiyagarajan,
No.2, South Street, Palanganatham,
Madurai-625 003.

3. V.Annaraj,
S/o.Varadharaj,
No.12, 6th Cross Street, Thiruvalluvar Nagar,
Palanganatham, Madurai-625 003.



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4. S.Karthikeyan,
S/o.Singaravelu,
No.16/3, Ruby School Last,
Thiruvalluvar Nagar,
Palanganatham, Madurai-625 003.

5. The Commissioner,
The Madurai City Municipal Corporation,
Office at Aringar Anna Maligai,
Tallakulam, Madurai-625 002.

... Respondents

PRAYER in CMP (MD)No.2342 of 2024 :- To condone the delay of 667 days in filing the Second Appeal.

Prayer in SA(MD)No.SR7136 of 2024: Second Appeal is filed under Section 100 CPC, against the judgment and decree passed in A.S.No.15 of 2020 dated 22.12.2021 on the file of the Principal Sub Court, Madurai, by confirming the judgment and decree passed in O.S.No.121 of 2014 dated 11.03.2019 on the file of the Principal District Munsif Court Town, Madurai.

CMP(MD)No.8808 of 2024:

R.Alagarsamy,

... Petitioner

Vs.

1. R.Maheswari,
W/o.Rathinavelu,
No.27, S.S.Nivas,
Old Murugan Talkies, 7th Cross Street,
Thiruvalluvar Nagar, 8th Cross Street,
Palanganatham, Madurai.



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2. K.T.Sundar,
S/o.Late. Thiyagarajan,
No.2, South Street, Palanganatham,
Madurai-625 003.

3. V.Annaraj,
S/o.Varadharaj,
No.12, 6th Cross Street, Thiruvalluvar Nagar,
Palanganatham, Madurai-625 003.

4. S.Karthikeyan,
S/o.Singaravelu,
No.16/3, Ruby School Last,
Thiruvalluvar Nagar,
Palanganatham, Madurai-625 003.

5. The Commissioner,
The Madurai City Municipal Corporation,
Office at Aringar Anna Maligai,
Tallakulam, Madurai-625 002.

... Respondents

PRAYER in CMP (MD)No.4743 of 2024 :- To condone the delay of 431 days in filing the Civil Revision Petition.

Prayer in CRP(MD)No.SR8808 of 2024: Civil Revision Petition is filed under Section 115 CPC, to set aside the order passed in I.A.No.143 of 2021 in A.S.No.15 of 2020 dated 22.12.2021 on the file of the Principal Sub Court, Madurai, and allow the civil revision petition.

(In both CMPs.)

For Petitioner : Mr.J.Jeyakumaran,

For Respondents : Mr.D.Srinivasaragavan, for R1 to R4,
Mr.K.K.Kannan, Standing Counsel for R5,



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COMMON ORDER

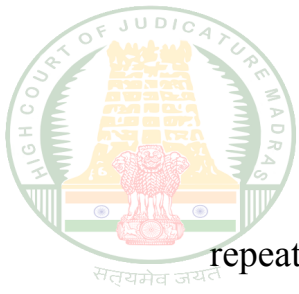
WEB COPY CMP(MD)No.2342 of 2024 is filed to condone the delay of 667 days in filing the Second Appeal.

2. CMP (MD)No.4743 of 2024 is filed to condone the delay of 431 days in filing the Civil Revision Petition.

3. Today, when the matters were taken up for hearing, the learned counsel appearing for the petitioner sought a short accommodation to file a better affidavit.

4. The learned counsel appearing for the respondents/plaintiffs submitted that the reason assigned by the petitioner / first defendant for the delay has not been properly or satisfactorily explained. It was further contended that the petitioner / first defendant seeks to improve his case by filing a better affidavit at this stage, which is impermissible.

5. The learned counsel further submitted that the respondents/ plaintiffs was constrained to institute the suit only because of the



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repeated acts of interference and harassment caused by the petitioner/
first defendant. According to the respondent, the petitioner attempted to
put up a gateway so as to gain access through the suit pathway, despite
having no manner of right over the same. It was only on account of such
unlawful interference that the cause of action arose for filing the suit.

6. It was also submitted that both the Trial Court and the First
Appellate Court, upon a proper appreciation of the oral and documentary
evidence, concurrently held that the plaintiff had established his right and
entitlement over the suit pathway and, accordingly, decreed the suit. The
findings of the Courts below clearly establish that the appellant
attempted to interfere with the respondent's peaceful enjoyment of the
suit pathway without any legal right.

7. The learned counsel further pointed out that even the layout plan
relied upon by the appellant indicates the existence of an alternative
access to his property. The appellant is admittedly having another access
to his property and has two gates on the western side of his house. In
spite of the availability of such alternative access, he attempted to put up



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a gateway opening into the suit pathway, thereby causing unnecessary harassment to the respondent/plaintiff. Therefore, the appellant is not entitled to claim any right over the suit pathway.

8. It is evident that the petitioner did not challenge the judgment and decree within the prescribed period of limitation and has failed to assign any sufficient or acceptable reason for the inordinate delay. Even after the lapse of considerable time, no satisfactory explanation has been offered. The request to file a better affidavit at this stage cannot cure the absence of a satisfactory explanation for the delay already occasioned.

9. Accordingly, this Court is of the view that the delay has not been properly explained and that no sufficient cause has been made out for condoning the delay. Hence, these Civil Miscellaneous Petitions are dismissed. Consequently, SA(MD)Nos.SR7136 of 2024 and CRP(MD)No.SR8808 of 2024 are rejected at the stage itself. There shall be no order as to costs.

16.07.2026

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TO

1. The Principal Sub Court,
Madurai,
2. The Principal District Munsif Court Town,
Madurai.
3. The Commissioner,
The Madurai City Municipal Corporation,
Office at Aringar Anna Maligai,
Tallakulam,
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T.V.THAMILSELVI,J.

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