



C.R.P(MD)No.1706 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1706 of 2026

1.Velusamy

2.Arivazhagan

.. Petitioners

Vs.

1.Kaleeswaran

Palanisamy @ Palaniappa Gounder (died)

2.Chellammal

3.Rajammal

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure to call for the records pertaining to the order dated 28.03.2023 made in I.A.NO.60 of 2020 in unnumbered A.S.No. of 2021 on the file of the Principal District Court, Dindigul and set aside the same.

For Petitioner : Mr.S.Rajasekar

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ORDER

The Civil Revision Petition is filed challenging the order passed by the First Appellate Court dismissing the petition filed by the petitioners seeking to condone the delay of 1599 days in filing the first appeal against the ex parte decree.

2. The first respondent herein filed a suit for specific performance in O.S. No.231 of 2008 against the petitioners. The suit was decreed ex parte on 28.07.2016 due to the non-appearance of the petitioners. Aggrieved by the said ex parte decree, the petitioners preferred a first appeal before the First Appellate Court with a delay of 1599 days. The First Appellate Court, not being satisfied with the reasons assigned by the petitioners, dismissed the petition filed to condone the delay. Aggrieved by the same, the petitioners have filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioners submitted that, though the petitioners had received summons in the suit as well as notice in the execution proceedings, believing the assurances given by the respondents, they were engaged in mediation talks and, therefore, could not challenge the ex parte decree immediately.



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4. It is seen from the records that the ex parte decree was passed against the petitioners on 28.07.2016, whereas the present application was filed only on 15.12.2020. It is further seen that the petitioners applied for certified copies of the judgment and decree only on 17.12.2019, and the same were furnished to them on 03.01.2020. However, the appeal was presented only in December 2020.

5. In the affidavit filed in support of the petition, the petitioners have stated that, owing to the COVID-19 outbreak, they could not file the appeal in time. However, it is a matter of common knowledge that the COVID-19 pandemic began only in March 2020, whereas the ex-parte decree had been passed as early as on 28.07.2016. The petitioners have not offered any satisfactory explanation for the delay between 28.07.2016 and March 2020.

6. The vague plea that the parties were engaged in mediation talks cannot be accepted. In the affidavit, the petitioners have categorically admitted that they had received summons in the suit. Despite such service, they chose not to contest the suit on the ground that they were engaged in mediation. Even after the ex parte decree was passed and notice was served in the execution proceedings, the



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petitioners did not take immediate steps to file the appeal. According to their own affidavit, they continued the mediation talks even thereafter.

7. The reasons assigned by the petitioners are neither convincing nor sufficient to constitute "sufficient cause" within the meaning of Section 5 of the Limitation Act. The First Appellate Court has rightly appreciated the facts and dismissed the petition for condonation of delay. This Court finds no reason to interfere with the said order.

8. Accordingly, the Civil Revision Petition is dismissed. No costs.

06.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

To
1.The Principal District Court, Dindigul.
2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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