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CRP NO. 68 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 68 of 2025

Thilagavathi

.... Petitioner

VS

1.Sarojini @ Lalitha Saraswathi

2.Thangaraji

3.A.Kuthalingam

... Respondents

Revision filed under Section 115 of Civil Procedure Code to set aside the order passed in I.A.No.4 of 2023 in S.No.196 of 2023 in unnumbered As N.... of 2023 against O.S.No.7 of 2016 dated 15.10.2024 on the file of Principal District Judge, Dharmapuri.

For Petitioner : Mr.Gowwtham Thelak V.B

For Respondents:Mr.V.Sakkarapani

For R.2

ORDER

The revision petition is at the instance of the plaintiff whose original suit in O.S.No.7 of 2016 came to be dismissed on 22.07.2022. An appeal was preferred along with an application to condone the delay of 248 days, however, the said application in I.A.No.4 of 2023 came to be dismissed by the learned Principal District Judge, Dharmapuri finding that the revision



petitioner herein has not made out sufficient cause for condonation of delay.

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2. Mr.Gowwtham Thelak V.B, learned counsel for the petitioner would invite my attention to the fact that the suit in O.S.No.7 of 2016 was jointly tried along with the suit filed by the respondents in this revision in O.S.No.170 of 2014, and by common judgment, both the suits came to be dismissed. As against the dismissal of the other suit, the respondents have preferred an appeal in A.S.No.42 of 2022, which is pending before the learned Additional District Court, Dharmapuri. In the light of the above, the delay also not being inordinate and it is only a delay of 248 days in preferring the appeal and in any event, when the appeal against the judgment in the common suit is pending consideration in A.S.No.42 of 2022, no serious prejudice would be caused to the respondents, if the delay is condoned and the petitioners are also permitted to challenge the common judgment in O.S.No.7 of 2016.

3. Learned counsel for the respondents also fairly admitted to the position that the connected appeal in A.S.No.42 of 2022 is pending.

4. In the light of the above, in order to do substantial justice to the



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parties, I am inclined to set aside the order passed in I.A.No.4 of 2023 in S.No.196 of 2023 in unnumbered A.S.No.... of 2023 and the delay of 248 days in preferring the appeal is condoned. The appeal shall be numbered and posted before the learned Additional District Judge, Dharmapuri, to be heard jointly along with A.S.No.42 of 2022. The learned Additional District Judge, Dharmapuri shall expedite the hearing and dispose both the appeals on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, the civil revision petition is allowed. No costs.

30-10-2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order
sr

To

The Principal District Court,
Dharmapuri

P.B.BALAJI.,J



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SR

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