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CRP.No.766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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A.Abdul Qadir

... Petitioner

Vs.

- 1.Ramija Bi
- 2.A.Shajahan
- 3.Hannur @ Fathima
- 4.Rajya Begam
- 5.Abitha Begam
- 6.Abdul Rahim
- 7.Sheik Hassanal Banna

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the order passed in I.A.No.1 of 2022 in O.S.No.227 of 2012 dated 01.12.2023 by the learned IV Additional District and Sessions Court, Erode District, Bhavani.

For Petitioner

: Mr.M.Guruprasad

For Respondents

: R1 and R7 Insufficient Address
R5 and R2 No Appearance
R4-left
R6-notice returned
R3-unserved
No such person for R3



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ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner to condone the delay of 2432 days in seeking restoration of the suit.

2. The petitioner herein filed a suit for partition in O.S.No.227 of 2012, the said suit was dismissed for default for the non appearance of the petitioner on 13.10.2015. Thereafter, the petitioner filed instant application in July 2022 seeking to restore the suit with the petition to condone the delay of 2432 days. The said petition was dismissed by the trial Court on the ground that the petitioner failed to explain long delay. Aggrieved by the same, the petitioner has come before this Court.

3. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that he was away from his native place in connection with his work at the relevant point of time and hence he was prevented from filing application to restore the suit in time. It is seen from the typed set of papers, the suit was dismissed for default on 13.10.2015 and he met his counsel and enquired about the stage of the case only on 10.07.2022



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nearly after seven years. Therefore, it is clear, the petitioner kept quiet for seven years and the reasons assigned in the affidavit, as if he was away from his native place in connection with his work for nearly seven years is not at all acceptable. The petitioner has not produced any documents to show that he was away from his native place continuously for seven years. Even assuming that the petitioner went out of his native place, he should have taken necessary steps or alternative arrangement to conduct the case. Therefore, in view of the negligence on the part of the petitioner to follow the case filed by him, the explanation offered by him in the affidavit for condoning the delay of 2432 days is not at all acceptable and the trial Court has rightly dismissed the application.

4. I do not find any error in the impugned order. Accordingly, the Civil Revision Petition stands dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.

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To

The IV Additional District and Sessions Court,
Erode District, Bhavani.

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