



C.R.P.No.769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.769 of 2024
and C.M.P.No.3801 of 2024

Munusami (deceased)

1.Saritha

2.Saaratha

Sounthar (deceased)

3.M.Karthick

4.Pudhuraal (alies) Chinna pappa

5.Vennila

6.Jayasurya (Minor)

D/o Late. Sounder

Nayampaadi Village, Chengam Taluk, Tiruvannamalai District.

7.S.Jeevitha (Minor),

D/o Late. Sounder

Nayampaadi Village, Chengam Taluk, Tiruvannamalai District.

8.S.Sibiraaj (Minor),

S/o Late. Sounder

Nayampaadi Village, Chengam Taluk,

Tiruvannamalai District.

... Petitioners

*(5th Petitioner/Defendants as the natural guardian of 6 to 8
petitioners/Defendants)*

VS.



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Raji

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order in I.A.No.1 of 2023 in O.S.No.893 of 2011 dated 27.11.2023 passed by the District Munsif Court, Chengam at Tiruvannamalai District and to allow the above Civil Revision Petition.

For Petitioners : M/s.S.Ambigapathi

For Respondent : Mr.K.A.Ravindran

ORDER

The Civil Revision Petition is filed challenging the order passed by the District Munsif Court, Chengam at Tiruvannamalai District in I.A.No.1 of 2023 in O.S.No.893 of 2011 dated 27.11.2023 allowing the application filed by the petitioners to receive additional documents on payment of cost of Rs.2,500/- to the respondent with default clause.

2. The respondent herein filed a suit for bare injunction restraining the petitioners from interfering with his peaceful possession and enjoyment of the suit property. The petitioners filed written statement and resisting the suit on various grounds. Since the petitioners failed to produce certain documents at the time of filing their written statement, the instant application has been filed seeking to receive additional documents. The



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application has been filed when the suit was posted for recording of evidence of defendants side. Though the instant application was resisted by the respondent, the Trial Court was pleased to allow the application by imposing cost on the petitioners. The petition was allowed on condition that the petitioners should pay a cost of Rs.2,500/- to the respondent/plaintiff on or before 06.12.2023. The impugned order also contains a default clause that in the event of failure to comply with the condition, the application shall stand automatically dismissed. Since the petitioners failed to comply with the condition within the time stipulated, as per the impugned order I.A.No.1 of 2023 is deemed to be dismissed. Therefore, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioner submits that 5th petitioner herein/7th defendant in the suit was in-charge of defending suit on behalf of all defendants and due to her illness, she could not contact her counsel and pay the cost amount and hence, an application has been filed on 07.12.2023 seeking extension of time narrating the necessary facts. The said application was returned by the Trial Court stating that the same cannot be entertained after expiry of the time fixed for compliance and consequential dismissal of I.A.No.1 of 2023.



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4. A Division Bench of this Court in ***Gowri Ammal vs. Murugan and others*** reported in ***(2006) 2 MLJ 729 = MANU/TN/1683/2006*** held that petition for extension of time under Section 148 of the Code of Civil Procedure is maintainable even after expiry of the time fixed by the Court. Therefore, the Trial Court committed an error in returning the petition for extension of time filed by the petitioners.

5. A perusal of the affidavit filed in support of the petition seeking extension of time would indicate the default in complying with the condition had happened only due to the illness of the 7th defendant, who was in-charge of defending suit.

6. The application in I.A.No.1 of 2023 has been filed to produce certain additional documents and the same was allowed by the Trial Court by imposing condition. In view of the reason assigned by the petitioners in the affidavit filed in support of the petition seeking extension of time, this Court feels an opportunity shall be given to the petitioners to produce the documents by modifying the condition imposed by the Trial Court.



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7. Accordingly, the Civil Revision Petition stands allowed by directing the petitioners to pay a sum of Rs.5,000/- as costs to the respondent, within a period of two weeks from the date of receipt of copy of this order. The costs shall be deposited to the credit of O.S.No.893 of 2011 on the file of the District Munsif Court, Chengam. The respondent is at liberty to withdraw the said amount. On payment of the cost by the petitioners, I.A.No.1 of 2023 shall stand allowed.

8. Taking into consideration the suit is of the year 2011, the Trial Court is directed to dispose of the same as expeditiously as possible. In case, the petitioners fail to deposit the cost as directed, the Civil Revision Petition shall stand automatically dismissed, without further reference to this Court. No costs. Consequently, the connected civil miscellaneous petition is closed.

17.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The District Munsif Court,
Chengam, Tiruvannamalai District.

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S.SOUNTHAR, J.

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