



C.R.P.No.2160 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2160 of 2025

M/s.Housing and Urban Development Corporation Ltd.,
Regional Office, CMDA Tower-1,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Petitioner

Vs.

1.K.Shreedharan
2.K.Sambasivam

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 09.10.2023 passed in I.A.No.1 of 2020 in A.S.Sr.No.Nil of 2020 on the file of the II Additional District Court, Vellore @ Ranipet.

For Petitioner : Mr.D.Harikrishnan

ORDER

Challenging the order passed by the II Additional District Judge, Vellore @ Ranipet, dated 09.10.2023, in I.A.No.1 of 2020 in A.S.SR.No.Nil of 2020, dismissing the application to condone the delay of 1465 days in



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filing the appeal, the present revision has been filed.

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2. Brief facts leading to the filing of this revision are as follows :

The revision petitioner has filed the suit in O.S.No.362 of 2012 on the file of the Subordinate Court, Arakkonam, for recovery of a sum of Rs.5,09,686/- with interest. The suit has been decreed with interest @ 9% from the date of plaint till the date of decree and subsequent future interest @ 6%. According to the revision petitioner, there was a contractual rate of 10% interest agreed with penal interest @ 1%. Therefore, he filed an appeal along with the present application to condone the delay of 1465 days in filing the appeal.

3. The petitioner contended that, though the appeal ought to have been filed before 03.01.2017, the judgment and decree was inadvertently misplaced in the office along with other disposed case bundles and the same could not be traced out. Further, due to the ill health of the counsel for the petitioner during the lockdown declared on account of Covid-19 Pandemic, the appeal could not be filed on time and there was a delay of 1465 days in filing the appeal.



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4.The trial Court, after considering the allegations and being not satisfied with the reasons assigned, found that there is no sufficient cause for condoning the huge delay and dismissed the application. Challenging the dismissal, the present revision has been filed.

5.Learned counsel appearing for the revision petitioner would vehemently submit that the delay is neither willful nor wanton, but due to *bona fide* reasons, and therefore, an opportunity should be given to the petitioner to file an appeal, since the decree is against the contractual right of the parties.

6.I have perused the entire materials available on record.

7.Of course, the word “sufficient cause” must receive a liberal approach to advance substantial justice, but at the same time, without any plausible explanation, as a matter of right, one cannot seek indulgence of the Court to condone the negligence in not preferring an appeal for more than three years. The reasons assigned by the petitioner for such long delay itself



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is not satisfactory. Lockdown on account of Covid-19 Pandemic was declared only in the year 2020, whereas, the appeal ought to have been filed in the year 2017 itself. Having slept over from the year 2017 till 2020, now the petitioner pleads as if due to intervention of Covid-19 and ill-health of the counsel, there was a delay. Such an allegation, in the view of this Court, is invented only for the purpose of filing the application. As a matter of right, one cannot seek condonation of such huge delay just with bald allegations without any plausible explanation to the satisfaction of the Court.

8.The Court, in exercising discretion, particularly in these types of petitions, has to see the conduct, behaviour and attitude of a party relating to its inaction or negligence. The above factors are relevant to be taken into consideration, as the fundamental principle is that Courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go-by in the name of liberal approach. There is an increasing tendency to perceive delay even in a non-serious matter. Hence, the delay due to the nonchalant attitude should be curbed at the initial stage itself. The petitioner ought to have been vigilant in pursuing



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the litigation and the callous attitude of the petitioner cannot be brushed aside while deciding an application under Section 5 of the Limitation Act.

Therefore, once the delay has not been explained and allegations have not been proved in the manner known to law, as a matter of right, the petitioner cannot seek indulgence of this Court to condone the negligence in not filing an appeal on time. Even for the Court to lien in favour of the party, he/she should satisfy the Court that the delay is due to *bona fide* reasons.

9. Therefore, this Court is not inclined to interfere with the order of the trial Court. Accordingly, this Civil Revision Petition is dismissed. No costs.

04.06.2025

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Internet : Yes

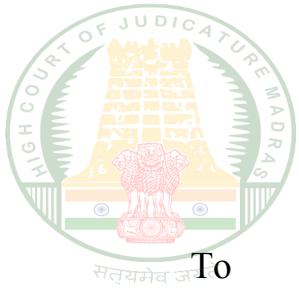
Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

N. SATHISH KUMAR, J.

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To

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The II Additional District Judge,
Vellore @ Ranipet.

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