



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRP No. 637 of 2025

P. Deekaraman (died)

1. Kanaga

W/o. Late Deekaraman,
Residing at at No.274/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

2. SURESH

S/o. Late Deekaraman, Res. at
No.274/2, Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

3. HEMAMALININI

D/o. Late Deekaraman, Res. at
No.274/2, Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

4. ANANDHI

D/o. Late Deekaraman, Res. at
No.274/2, Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.



5. REVATHI

D/o. Late Deekaraman, Res. at
No.274/2, Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

6. NETHAJI

S/o. Late Deekaraman, Res. at
No.274/2, Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

Petitioner(s)

Vs

1. KODHAI

D/o. Late Sankaran, Res. at No.220/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

2.SANTHI

D/o. Late Sankaran, Res. at No.220/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

3.LAKSHMI

W/o. Late Lakshmipathi S/o. Late
Sankaran, Res. at No.220/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.



4.UGESH

S/o. Late Lakshmipathi S/o. Late
Sankaran, Res. at No.220/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

5.MAGESH

S/o. Late Lakshmipathi S/o. Late
Sankaran, Res. at No.220/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

6.SUGANYA

D/o. Late Lakshmipathi S/o. Late
Sankaran, Res. at No.220/2,
Kancheepuram High Road,
Thimmavaram Village, Chengalpattu
Taluk and District.

7.JAYACHANDRAN

S/o. ASL. Rajan, Res. at New No.282,
Old No.397, MKN Road, Alandur,
Chennai - 16.

8.JAYAKANTHI

D/o. ASL. Rajan, Res. at New No.282,
Old No.397, MKN Road, Alandur,
Chennai - 16.



9.JAYAKUMARI

D/o. ASL. Rajan, Res. at New No.282,
Old No.397, MKN Road, Alandur,
Chennai - 16.

Dharmalinga Naicker (Died)

10.ANDALAMMAL

W/o. Late Dharmalinga Naicker, Res. at
No.111, Vellalar Street, Adambakkam,
Chennai - 88.

11.PADMAVATHY

D/o. Late Dharmalinga Naicker, Res. at
No.111, Vellalar Street, Adambakkam,
Chennai - 88.

Respondent(s)

PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to fair and decreetal order of the learned Subordinate Judge, Alandur passed in IA No.1 of 2023 in AS No.83 of 2009 dated 19.12.2024.

For Petitioner(s): Mr.V.Ragavachari,
Senior Counsel
for Mr.A. Ramalingam

For R7 and R8 M/s.Manoj Sreevatsan
R1 to R6 & Not ready in notice
R9 to R11

**ORDER**

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The petitioners have filed this civil revision petition, challenging the fair and decretal order dated 19.12.2024 passed in IA No.1 of 2023 in AS No.83 of 2009 by the learned Subordinate Judge, Alandur.

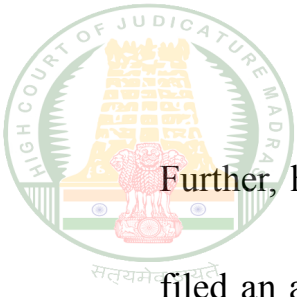
2. The learned Senior Counsel appearing for the petitioners submitted that aggrieved by the judgment and decree dated 30.04.2003 passed in O.S.No.582 of 1997 on the file of the District Munsif Court, Alandur, the respondents 1, 2, one Mr.P.Deekaraman and others filed an Appeal suit A.S.No.83 of 2009 on the file of the Subordinate Court, Tambaram. The said appeal appears to have been settled in the Lok Adalat. Hence, the said Appeal was dismissed as withdrawn, vide order dated 13.04.2015. However, a fraudulent act has been played in the settlement made in the Lok Adalat. During the life time of the said Mr.Deekaraman, he filed a writ petition in W.P.No.13302 of 2015 as against the seventh respondent herein and others and the said writ petition came to be allowed on 20.11.2019, which fact is not known to the petitioners. The said Mr.Deekaraman died on 01.11.2020. Thereafter, the parties approached the



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counsel on record and asked about the fate of the said appeal in A.S.No.83 of 2009. Thereafter, they came to know about the disposal of the said appeal only in the month of September 2021. Immediately, soon after getting the knowledge about the disposal of the appeal, they filed an application to restore the appeal. Since the application could not be filed within 30 days from the date of disposal, they filed an application in I.A.No.1 of 2023 in A.S.No.83 of 2009 to condone the delay of 1797 days in filing the Appeal before the Subordinate Court, Alandur. The learned Appellate Judge failed to consider the reasons assigned in the affidavit filed in support of the petition to condone the delay in filing the restore application and dismissed the application vide impugned order dated 19.12.2024. Hence, the order of the appellate Judge is perverse. Hence, the petitioners have filed this civil revision petition to set aside the fair and decreetal order dated 19.12.2024 passed in I.A.No.1 of 2023 in A.S.No.83 of 2009.

3. Learned counsel appearing for the respondents 7 and 8 submitted that petitioners have no *locusstandi* to file the above application. During the life time of Mr.Deekaraman, he has not taken any steps to restore the appeal.



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Further, he was not a party to the Lok Adalat Proceedings. He ought to have filed an application during his life time. The Lok Adalat Award was passed in the year 2015, whereas the said Mr.Deekaraman died only in the year 2020. During the life time of Mr.Deekaraman, he had not challenged the order passed in the Appeal. Subsequently, the petitioners should not have challenged the same. Though the appeal was disposed of in the year 2015, however, on a perusal of the affidavit filed by the petitioner, the said Mr.Deekaraman filed the writ petition in W.P.No.13302 of 2015, which came to be dismissed only in the year 2019. However, the said Mr.Deekaraman died in the year 2020. At the time of passing the Award or while filing the appeal, the original appellants who are the respondents 4, 5 & 6 were minors. There is no indication about the minors in the earlier proceedings. Therefore, said order would not bind the appellants.

5. On a reading of the affidavit filed along with the condone delay application, the petitioners have given a reason for condoning the delay. The Hon'ble Supreme Court had already given guidelines that while deciding the application under Section 5 of Limitation Act, the Court should not deal with



the merits of the case. The Court has to see as to whether the sufficient reasons have been assigned in the affidavit filed in support of the application filed for condonation of delay.

5. Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respondents 7 and 8 and perused the materials available on record.

6. This Court does not want to go into the merits of the case. This Court finds that sufficient reasons have been assigned to condone the delay. Though the length of delay is not the matter, the Court has to see as to whether the reasons assigned by the parties in the affidavit are sufficient or not. This Court finds that the reasons assigned in the affidavit are sufficient and the same is satisfied to condone the delay. The impugned order passed by the Appellate Court in I.A.No.1 of 2023 in A.S.No.83 of 2009 dated 19.12.2024 is hereby set aside. The Appellate Court is directed to take the application to restore the appeal on file. The Appellate Court is directed to decide the application on merits without any influence or any observations made in this order.



7. In view of the same, this Civil Revision Petition is allowed. There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Subordinate Judge, Alandur



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P.VELMURUGAN J.

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