



CRP No.1252 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-082025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1252 of 2024 and CMP No.6616 of 2024

K.Singaravelu

.... Petitioner

Vs

G.Soundarrajan

....Respondent

Revision filed under Article 227 of Constitution of India to set aside the fair and final order dated 25.07.2023 made in I.A.No.1 of 2022 in unnumbered AS.No. Of 2022 on the file of Principal Sub Court, Salem.

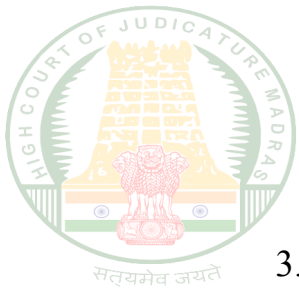
For Petitioner : Ms.Zeenath Begum

For Respondent: Mr.R.Vivekananthan

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The revision petitioner is aggrieved by the order of the first appellate Court in condoning the delay of 2171 days in representing the Memorandum of Grounds of Appeal.



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3. The respondent/appellant had filed the appeal in time. However, contending that papers got misplaced with other papers in the office, representation could not be effected in time and therefore, the delay of 2171 days was sought to be condoned in representing the appeal.

4. The said application was strongly resisted by the revision petitioner/respondent stating that the affidavit is bereft of material particulars with regard to the contention of huge delay of 2171 days.

5. According to the learned counsel for the revision petitioner, the respondent/appellant has not made out sufficient cause for condoning the delay of 2171 days which is not only inordinate but also totally unexplained in the affidavit filed in support of the application. The first appellate court has allowed the application in I.A.No.1 of 2022 on payment of cost of Rs.800/- finding that the appeal had been filed in time and the reason assigned by the respondent/appellant for the delay was justifiable. The appellate court has also found that it was not a petition to condone the delay in filing the appeal, but it is only to condone the delay in representing the appeal and it is the an to be decided between the court and the party and therefore, in order to provide an opportunity to the respondent, condoned the delay.



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6. Learned counsel for the revision petitioner/respondent takes me through the affidavit filed in support of the application for condonation of delay and contends that there is absolutely no material substantiating the cause of delay, much less sufficient cause that is required to be made out. Learned counsel also placed reliance on the decision of the Division Bench of the Hon'ble Supreme Court in ***H.Dohil Constructions Co Pvt ltd vs Nahar Exports Ltd*** reported in ***2015(5) CTC 534***, where there was a delay of 9 days in filing the appeal and delay of 1727 days in representing the appeal. The Hon'ble High Court condoned the delay on payment of costs. However, the Hon'ble Supreme Court set aside the judgment of the Division Bench and held that the applicant had not shown any diligence and failed to give satisfactory reasons in condoning the delay of 9 days in filing the appeal and 1727 days in representing the appeal.

7. Per contra, learned counsel for the respondent/appellant states that since there is no stay granted by this Court in this revision, the first appeal has been subsequently numbered and it is posted for arguments next week.

8. In view of the fact that the suit is only for permanent injunction and



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that too, the plaintiff, having lost in the suit and has suffered a decree of dismissal and he challenges the same in the first appeal and in view of the subsequent event viz., the appeal being numbered and taken on file, I do not find any serious prejudice being caused to the revision petitioner/respondent, by the Court condoning the delay in representing the papers.

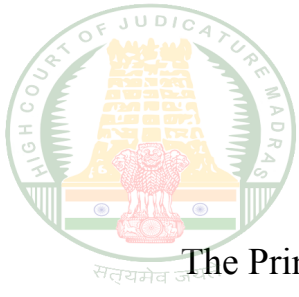
9. In the light of the above, I am not inclined to interfere with the order passed by the first appellate court in I.A.No.1 of 2022 dated 25.07.2023. However, considering that the appeal is now posted for arguments, the first appellate court shall hear the appeal on merits and in accordance with law and dispose of the same within a period of two months from the date of receipt of a copy of this order.

10. With the above observation, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.08.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To



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The Principal Subordinate Court, Salem

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P.B.BALAJI,,J

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