



C.R.P.No.2428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2428 of 2025

K.Yasotha

... Petitioner

Vs.

1.Jamuna Bai
2.D.Saravanan

3.The Sub Registrar
Joint – II, Saidapet
Saidapet, South Chennai – 600 015

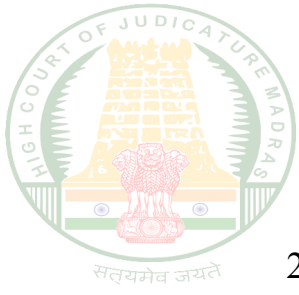
... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 14.02.2025 passed in I.A.No.5 of 2024 in O.S.No.211 of 2020 by restoring the suit in O.S.No.211 of 2020 enabling to pay the cost imposed already in I.A.No.1 of 2022 in O.S.No.211 of 2020 on the file of the learned Principal District Munsif Court, Poonamallee, Chennai

For Petitioner	:	Mr.S.Vasu
For Respondents	:	Mr.S.Ganesh for R1 & R2 Mr.C.Sathish for R3 Government Advocate

ORDER

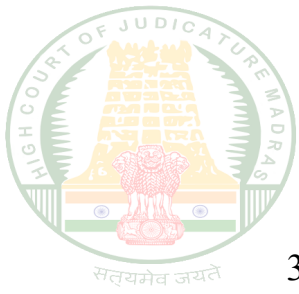
Challenging the impugned order rejecting the application filed by the petitioner to set aside the order dated 25.04.2023 passed in I.A.No.1 of 2022 in the above suit, the present revision has been filed.



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2. The suit has been filed originally by the petitioner for declaration to declare that the sale deed dated 29.07.2020 executed by the first defendant to the second defendant as null and void, mandatory injunction and costs. The said suit was dismissed for default on 24.06.2022. Thereafter, an application has been filed by the petitioner in I.A.No.1 of 2022 to condone the delay in filing the restoration petition. The said application has been allowed on payment of costs of Rs.1,000/- to the defendants on or before 25.04.2023, however, costs has not been paid in time and the said application was dismissed. Thereafter, an application has been taken out in I.A.No.3 of 2023 for extension of time for payment of costs, that application was dismissed. The said application in I.A.No.3 of 2023 has been challenged before this Court in CRP.No.4994 of 2023, wherein, this Court by order dated 21.02.2024 while confirming the dismissal order of the Trial Court in I.A.No.3 of 2023 granted liberty to the petitioner to work out his remedy to set aside the fair and decretal order made in I.A.No.1 of 2022 in the manner known to law and dismissed the revision.



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3. The petitioner filed an application in I.A.No.5 of 2024 to recall the order made in I.A.No.1 of 2022 dated 25.04.2023 and the said application was dismissed vide impugned order dated 14.02.2025. Challenging the said order, the present revision has been filed.

4. Heard both sides and perused the materials placed on record. On perusal of the above orders and liberty being granted by this Court to the revision petitioner, this Court is of the view that the petitioner instead of challenging the order made in I.A.No.1 of 2022 dated 25.04.2023 before this Court had once again approached the Trial Court in I.A.No.5 of 2022 to recall the order made in I.A.No.1 of 2022. Such approach is not correct. The petitioner ought to have challenged the order in I.A.No.1 of 2022 before this Court by filing a revision which has not been done so.

5. Considering that mistake is completely on the part of the counsel and the parties, this Court is inclined to grant liberty to the petitioner to file revision challenging the order made in I.A.No. 1 of 2022 dated 25.04.2023 and the period spent in all these proceedings shall be excluded for entertaining the revision taking note of the fact that the petitioner was bonafidely pursuing the remedy without proper advise.



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N. SATHISH KUMAR, J.

7. Accordingly, this revision stands disposed of. No costs.

23.07.2025

dhk

Internet : Yes/No

Index : Yes/No

To

1.The Principal District Munsif
Poonamallee

2. The Section Officer,
VR Section,
High Court, Madras.

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