



CMP.No.10622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.06.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CMP.No.10622 of 2025
in CRP.SRNo.47568 of 2025

Pramila

Petitioner(s)

Vs

Santha (Died)
1.Arumugham
2.Kamban
3.Suresh
Ashwapathi (Died)
4.Jagadambal
5.Kulothugan
6.Sampathkumar
7.Santhi
8.Rajathi
9.Abithagujambal
10.Jothilakshmi

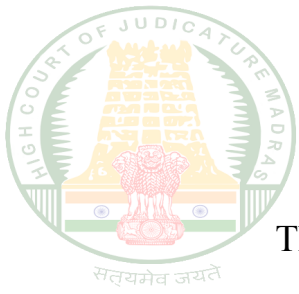
Respondent(s)

Prayer in CMP.No.10622 of 2025: Petition filed under Section 5 of the Limitation Act seeking to condone the delay of 4864 days in filing the above revision.

Prayer in CRP: Revision filed under Section 115 of Code of Civil Procedure to set aside the order and decretal order dated 19.08.2011 made in I.A.No.1585 of 2010 in O.S.No.482 of 2004 on the file of the learned Additional District Munsif, Tindivanam.

For Petitioner : Mr.T.Dhanasekaran

ORDER



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This petition has been filed seeking to condone the delay of 4864 days in filing the above revision.

2. It is the case of the petitioner that the petitioner's mother has filed a suit in O.S.No.482 of 2004 on the file of learned District Munsif, Tindivanam seeking for specific performance as against the defendant. While suit was pending, the petitioner's mother died on 21.10.2005 leaving behind the petitioner and the respondents 1 to 3 as her legal heirs. The petitioner and the respondents 1 to 3 have filed an application with a delay of 827 days to implead themselves in the suit in I.A.No.1585 of 2010 in O.S.No.482 of 2004 and the same was dismissed vide order dated 19.08.2011.

3. Against which, the respondents 1 to 3 have preferred revision petition in CRP.No.3476 of 2012. This Court vide order dated 03.08.2020 directed the petitioners/respondents 1 to 3 to pay a sum of Rs.25,000/- to the respondents therein on or before 25.08.2020, however, the order of this Court was not complied with and thus, the revision stood dismissed vide order dated 28.08.2020. Thereafter, now, the petitioner has filed the present revision with a delay of 4864 days.

4. The only reason assigned by the petitioner in filing the revision is that



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she is a family woman living in her matrimonial home and she was not aware of the proceedings, only recently she came to know about the impugned order.

Hence, seeks for condoning delay in filing the revision.

5.Of course, the expression“sufficient cause” should receive a liberal construction so as to advance substantial justice when no negligence or inaction or want of bona fide is imputable to a party. Casually filing the petition to condone the delay in filing without any proper reasons, such huge delay cannot be condoned. A Court granting indulgence must be satisfied that there was deligence on the part of the appellant and that he was not guilty of any negligence whatsoever. Where there is no sufficient cause for condoning the delay, the said delay should not be condoned as it amounts to a case of discretion not being exercised judicially.

6. The only contention raised by the petitioner is that she was in matrimonial house and was not aware of the impugned order. The impugned order was passed way-back in the year 2011 and thereafter, the petitioner's brothers viz., respondents 1 to 3 have filed revision petition before this Court which was dismissed for non compliance of the order of this Court vide order dated 28.08.2020 and now, the petitioner has come up with the present petition



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to condone such exorbitant delay in filing the present revision.

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5. This Court is of the view that in a suit for specific performance, the plaintiff is not entitled to the relief as a matter of right. While exercising discretion, the Court must keep in mind the peculiar facts and circumstances of the case, the conduct of the parties and consequences or the fallouts by granting specific relief to a party to the contract. In the present case, the petitioner ought to have been vigilant in pursuing the matter. It is to be noted that the respondents 1 to 3/other legal heirs had filed a revision before this Court and the same was dismissed way-back in 2020, even after such dismissal, the petitioner has not come before this Court immediately in order to prove her bonafides, however, has come up with such unexplained reasons with exorbitant delay. All these facts would indicate the callous attitude of the petitioner and that cannot be brushed aside altogether in deciding petition under Section 5 of the Limitation Act. Hence, I do not find any merits to condone such huge delay in filing the petition.

6. Accordingly, this petition stands dismissed and un-numbered appeal suit stands rejected. No costs.



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Index : Yes/No

Internet : Yes/No

dhk

To

1. The Additional District Munsif, Tindivanam.

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



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N.SATHISH KUMAR, J.

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