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CRP Nos.2846 & 2889 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP Nos.2846 & 2889 of 2025

1. V.Olaganathan

S/o. Veeramuthu

2. O.Leela, W/o.Olaganathan

both residing at No.13, Anna Nagar,

Sivaji Nagar [via] Thanjavur.

Petitioners in CRP.No.2846 of 2025

Nagamani Devi,

W/o.Jayaraman, No.16, Sanjeevi Nagar,

Kulappatti Road, Trichy.

Petitioner in CRP.No.2889 of 2025

Vs

1. V.Balasubramaniyan,

S/o.Velu, No.61D, Madurai Road,

Sivaganga (D.t.) -630 561

2.M/s.United India Insurance Company,

Divisional Office, Bharathidasan Salai,

Contonment, Trichy -1, Having branch

at No.50-A, Palli Vasal Street,

Perambalur.



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2025



Respondent(s) in both CRPs

COMMON PRAYER Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the order dated 06.02.2024 made in I.A.No.2 of 2023 in M.C.O.P.Nos.358 and 369 of 2017 on the file of the Principal District Court, Perambalur, and consequently allow the interlocutory application in I.A.No.2 of 2023 in M.C.O.P.NoS.358 & 369 of 2017 on the file of the Principal District Court, Perambalur and thus render justice.

For Petitioner(s): S.P.Yuaraj [in both CRPs

For Respondents: Mr.P.Athiveeraramapandian – R2
in both CRPs

ORDER

Challenging the dismissal of the applications filed to condone the delay of 971 and 1090 days in filing applications to restore MCOP.Nos.358 and and 369 of 2017 respectively, which have been dismissed for default, the present Civil Revision Petitions.

2. Motor Accident Claims Original Petitions in MCOP.Nos.358 and 369 of 2017 have been filed claiming compensation for the accident took place on 12.02.2017 in which the daughter of the petitioners and her husband and their son sustained fatal injuries. When the said original petitions were posted for



hearing, due to unavoidable circumstances, the petitioners were not able to appear before the Court. Hence, the Original Petitions have been dismissed for

default. Applications have been filed to restore the Original Petitions along with applications to condone the delay of 971 days and 1090 days. The said applications have been dismissed on the ground that no reason has been stated in the application to condone the delay. Challenging the same, the present Civil Revision Petitions have been filed.

3. The Hon'ble Supreme Court, in ***Collector, Land Acquisition, Anantnag and others v. Mst.Katiji and others*** reported in (1987) 2 SCC 107, followed in ***Raheem Shah and another v. Govind Singh and others*** reported in (2023) 18 SCC 746, has held as follows :

“3.The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on “merits”. The expression “sufficient cause” employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice - that being the life-purpose for the



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existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:

“1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. “Every day's delay must be explained” does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit



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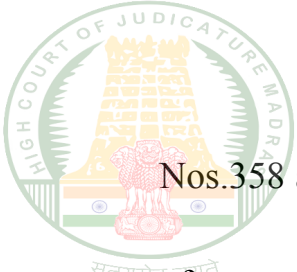


by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.”

4. The reasons assigned for the delay is that they were not in a position to appear before the Court on the date of hearing and they were not able to give instructions to their advocate and hence, the Original Petitions have been dismissed for default. Though sufficient cause has not been given by the petitioners to condone such a huge delay, the fact remains that the petitioners are claiming compensation on account of death of the daughter and grandson of the claimants, the substantial right of the parties cannot be taken away on the ground of negligence on the part of the parties and merely on the ground of mistake committed, compensation legally entitled cannot be denied.

5. Accordingly, these Civil Revision Petitions are allowed and the Order of the trial Court in I.A.Nos.2 and 2 of 2023 in MCOP.Nos.358 and 369 of 2017 are set aside. The trial Court is directed to dispose the petitions in MCOP.



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Nos.358 and 369 of 2017 within a period of six months from the date of receipt

of a copy of this Order. No costs. The petitioners are not entitled to interest in

the main O.P. for the delayed period.

06-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Principal District Judge,
Perambalur.



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N.SATHISH KUMAR J.

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