



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP.No.3473 of 2023

& CMP.No.21585 of 2023

Rangammal (Deceased)
Thulasimani

Petitioner(s)

Vs

1.Palanisamy
2.Karupusamy
3.G.Nanthakumar

Respondent(s)

For Petitioner(s): Mr.S.Parthasarathy

For Respondent(s): Mr.X.Selvam Sounder for RR1 & 2

ORDER

A mention was made at request of the learned counsel for the petitioner.

2.In the order dated 13.11.2025 in CRP.No.3473 of 2023, instead of the revision being allowed, the portion of the order at Paragraph No.8 reflects the Civil Revision Petition to be dismissed. In fact, it has been recorded in the order that there has been no proper explanation for the delay and the trial Court ought not to have condoned the delay.



3.The learned counsel for the respondents also requested for the reference to the judgment in O.S.No.229 of 2008 being incorporated.

WEB COPY

4.In view of the above, the Paragraph No.8 of the order dated 13.11.2025 shall incorporate the word the civil revision petition is “allowed” instead of dismissed and in Paragraph No.4, after the word reversioner, the following sentence to be incorporated “The learned counsel for the respondents would further contend that in O.S.No.229 of 2008, the trial Court has held that it has been proved by the plaintiffs, namely Rangammal, Palanisamy and Karupusamy that they have become entitled to the suit properties under Ex.A10 and that they were also in possession”.

5.The Registry is directed to carryout aforesaid correction, by incorporating the aforesaid sentences and issue a fresh order copy.

28.11.2025

ata

To

The Subordinate Court, Sathyamangalam.

CRP.No.3473 of 2023
& CMP.No.21585 of 2023



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P. No.3473 of 2023

and

C.M.P. No.21585 of 2023

Rangammal (Deceased)

Thulasimani

2nd Respondent / 2nd Defendant /

Petitioner

Vs.

1.Palanisamy

2.Karupusamy

Petitioners / Plaintiffs / 1st and 2nd Respondents

3.G.Nanthakumar

3rd Respondent / 3rd Defendant / 3rd Respondent

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order passed by the learned Subordinate Judge, Sathyamangalam in I.A. No.1 of 2022 in O.S No.89 of 2013 dated 16.06.2023 and allow this Civil Revision Petition.

For Petitioner	Mr.S.Parthasarathy
For Respondents	Mr.X.Selvam Sounder for R1 & R2 No appearance for R3



ORDER

WEB COPY

The 1st and 2nd defendants in O.S.No.89 of 2013 are the revision petitioners. They were aggrieved by an order in I.A.No.1 of 2022 dated 16.06.2023. The suit was dismissed for non-prosecution and in order to set aside the said order dismissing the suit, the plaintiffs filed an application under Section 5 of the Limitation Act to condone the delay of 2426 days in filing the application to restore the suit to file. The said application, despite contest, by the revision petitioner, came to be allowed on payment of costs.

2.Heard the learned counsel for the parties.

3.On hearing the learned counsel for the parties, I found that the respondents had not made out sufficient cause for condonation of huge inordinate delay of 2426 days and the trial Court had clearly exercised its discretion erroneously in proceeding to condone the delay on payment of costs.

4.However, at that juncture, the learned counsel for the respondents would submit that the suit which was filed in O.S.No.89 of 2013 itself was premature, since the mother Rangammal was alive and she died only on



07.09.2022, subsequent to which, cause of action arose for the petitioner to claim as reversioner. He would also bring to my notice that the respondents have now filed a suit in O.S.No.353 of 2025 before the Sub Court, Sathyamangalam, for the relief of recovery of possession, damages for use and occupation etc. He would therefore state that without prejudice to their right in the pending suit in O.S.No.323 of 2025, the revision may be disposed of.

5.Mr.S.Parthasarathy, learned counsel for the petitioner, submitted that the defence and other contentions and also the legal objections that are available to the petitioner can always be taken in the said suit. The petitioner is the defendant in O.S.No.323 of 2025 cannot be prevented from canvassing the issue even with regard to the maintainability of the said suit.

6.Considering the submissions made by the learned counsels on either side and also since I have found that the delay was not properly and sufficiently explained, the trial Court ought not to have condoned the delay. Be that as it may, now that the respondents have filed the suit in O.S.No.323 of 2025 and the same is pending before the Sub Court, Sathyamangalam, it would suffice to dispose of the revision giving liberty to the respondents to



prosecute the suit in O.S.No.323 of 2025 on merits and in accordance with law. It is open to the petitioner, who is the defendant in the said suit, to raise all objections open to defend the claims made by the respondents.

7.Considering that the earlier suit was filed by the respondents even in the year 2013 and the parties have already been litigating for over a decade, the Sub Court, Sathyamangalam, shall expedite disposal of O.S.No.353 of 2025, within a period of six month from the date of completion of pleadings.

8.With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.11.2025

smv
Index :Yes/No
Neutral Citation :Yes/No
Speaking order :Yes/No

To,
The Subordinate Court, Sathyamangalam.



WEB COPY



P.B. BALAJI, J.

smv

C.R.P. No.3473 of 2023
and
C.M.P. No.21585 of 2023

13.11.2025