



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P.No.3364 of 2022

Mohammed Hanif,
Perumal Koil Street,
Koonimedu, Tindivanam Taluk. ... Petitioner/Petitioner/Plaintiff

Vs.

Mohammed Hasim,
Koonimedu,
Tindivanam Taluk,
Villupuram District. ... Respondent/Respondent/Defendant

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the Fair and Decretal Order passed in I.A.No.141 of 2020 in O.S.No.28 of 2008, dated July 14, 2022, on the file of the Principal Sub Court, Tindivanam, dismissing the petitioner's application filed under Section 5 of the Limitation Act.

For Petitioner : Mr.Suriya Badrinath,
For Ms.V.Srimathi.
For Respondent : Served. No appearance.

ORDER

Aggrieved by the Order passed in I.A.No.141 of 2020 on the file of the Principal Sub Court, Tindivanam, dismissing the petition filed by the

Page No.1 of 4



WEB COPY

Petitioner under Section 5 of the Limitation Act, the Revision Petitioner/Plaintiff has filed the present Civil Revision Petition.

2. Heard, Mr.Suriya Badrinath representing Ms.V.Srimathi, learned Counsel on Record for the Revision Petitioner.

3. The learned Counsel for the Revision Petitioner would submit that the Revision Petitioner had travelled abroad on 20.06.2015 and returned to India only on 27.04.2016. He was not aware of the dismissal of the suit. Immediately upon his return, he contacted his Advocate and filed a petition to restore the suit, with a delay of 354 days. The trial Court, without considering the reasons assigned and the factual circumstances, dismissed the petition filed under Section 5 of the Limitation Act. Hence, this Civil Revision Petition has been filed to set aside the dismissal order.

4. Though the name of the Respondent has been printed in the cause list, there is no representation on behalf of the Respondent.

5. Considering the submissions made and upon perusal of the records, and taking note of the fact that the Revision Petitioner went



abroad and returned only on 27.04.2016 in the interest of justice, this Court is of the view that the delay in filing the petition deserves to be condoned.

6. In the result, this Civil Revision Petition is allowed, **subject to the condition** that the Revision Petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** as costs to the Respondent, either by way of demand draft or by deposit before the Trial Court, **on or before 20.01.2026**, and shall file necessary acknowledgment before this Court. **Failing which, the Civil Revision Petition shall stand dismissed automatically, without further reference to this Court.**

7. Post the matter for **Reporting Compliance on 23.01.2026.**

18.12.2025

kmm

To:

1. The Principal Sub Court, Tindivanam.
2. The Section Officer,
V.R.Section,
High Court of Madras.



WEB COPY



R. SAKTHIVEL.J.

kmm

C.R.P.No.3364 of 2022

18.12.2025

Page No.4 of 4