



WEB COPY

CRP No. 3279 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP No. 3279 of 2017

and

C.M.P.No.15302 of 2017

1. MOHAN

S/o. Late Ganesan

2. SENTHIL

S/o. Late Ganesan

Petitioners 1 & 2 are resideing at:

D.No.5/3, Kallagakadu,

Pandamangalam Village,

Pandamangalam Po, Paramathi Velur

Tk.,

Respondents/Proposed

Respondents/LR's of

plaintiff/Petitioners

Vs

1. Pandamangalam Town Panchayat

By Its President Pandamangalam,

Paramathy Velur Tk, Namakkal Dist.



2.The Executive Officer
Pandamangalam Town Panchayat
Pandamangalam, Paramathy Velur
Taluk, Namakkal District
(Respondent No.2 Impleaded Vide
Court Order Dated 26/09/2024 made in
Cmp No.18195 of 2017 in Crp No.3279
Of 2017 By PBBj)

Petitioner/Petitioner/3rd
defendant/Respondent

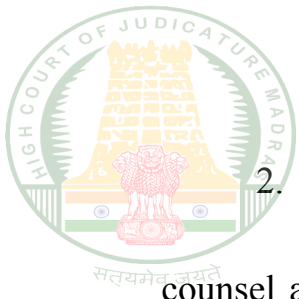
PRAYER This Civil Revision Petition has been filed under Section 115 of Civil Procedure Code, 1908, against the fair and decreetal order dated 30/06/2017 made in IA.No.547/2016 in IA.No.114/2016 in OS.No.67/2017 on the file of District Munsif Court, Paramathy.

For Petitioner(s): Mr.T.L.Thirumalaisamy

For Respondent(s): M/s.Dr.S.Suriya, Additional
Government Pleader

ORDER

This Civil Revision Petition has been filed challenging the order passed by the trial Court in allowing the condonation of delay in 515 days in filing the petition to bring on record the legal heirs of the deceased sole plaintiff. Challenging the said order, the present Civil Revision Petition is filed.



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2. The revision petitioners are the plaintiffs in the suit. The learned counsel appearing for the revision petitioner would contend that the period of limitation should be considered generously keeping in mind that the party should be met the ends of justice and the limitation period has to be given in a broader perspective. To substantiate his version, he relied upon a decision rendered by the Hon'ble Supreme Court in Special Leave Petition (Civil) No.31248 of 2018, (***Pathapati Subba Reddy (Died) by Lrs & Others Vs. The Special Deputy Collector (LA)***). The relevant portion of the above said judgment is extracted hereunder:

“...7. The law of limitation is founded on public policy. It is enshrined in the legal maxim “*interest reipublicae ut sit finis litium*” i.e., it is for the general welfare that a period of limitation be put to litigation. The object is to put an end to every legal remedy and to have a fixed period of life for every litigation as it is futile to keep any litigation or dispute pending indefinitely. Even public policy requires that there should be an end to the litigation otherwise it would be a dichotomy if the litigation is made immortal *vis-a-vis* the litigating parties i.e. Human beings, who are mortals.

8. The Courts have always treated the statutes of limitation and prescription as statutes of peace and repose. They envisage that a right not exercised or the remedy not availed for a long time ceases to exist. This



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is one way of putting to an end to a litigation by barring the remedy rather than the right with the passage of time.

12. In view of the above provision, the appeal which is preferred after the expiry of the limitation is liable to be dismissed. The use of the word 'shall' in the aforesaid provision connotes that the dismissal is mandatory subject to the exceptions. Section 3 of the Act is peremptory and had to be given effect to even though no objection regarding limitation is taken by the other side or referred to in the pleadings. In other words, it casts an obligation upon the court to dismiss an appeal which is presented beyond limitation. This is the general law of limitation. The exceptions are carved out under Sections 4 to 24 (inclusive) of the Limitation Act but we are concerned only with the exception contained in Section 5 which empowers the courts to admit an appeal even if it is preferred after the prescribed period provided the proposed appellant gives 'sufficient cause' for not preferring the appeal within the period prescribed. In other words, the courts are conferred with discretionary powers to admit an appeal even after the expiry of the prescribed period provided the proposed appellant is able to establish 'sufficient cause' for not filing it within time. The said power to condone the delay or to admit the appeal preferred after the expiry of time is discretionary in nature and may not be exercised even if sufficient cause is shown based upon host of other factors such as negligence, failure to exercise due diligence etc...”

and made that the liberal interpretation has to be given to meet the ends of



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3. Per Contra, the learned counsel for the respondents would contend that the plaintiff was not interested in pursuing the suit by remaining a silent spectator for nearly 2706 days without following the procedure to complete the trial and his non co-operation has resulted in such a huge delay. In the meanwhile, the plaintiff had expired and the LR application was moved to bring the LRs of the plaintiff on record. The learned counsel further contended that even in filing such application to bring the LRs on record, there is a delay of 515 days.

4. The only point to be considered is whether the petitioners have shown sufficient and convincing reasons towards the delay in moving the application?

5. It is well settled that the Courts have to give a liberal approach at the time of considering the delay keeping in mind that on merely on considering the technicalities it is for the Courts to furnish a substantial justice in a suit as the



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rights of the parties have to be demonstrated before the trial Court by adducing evidence on either side. Since there is inordinate delay on the part of the respondents and the suit is of the year 2007, though the learned counsel for the petitioners and respondents submitted that they are co-operating before the trial Court and the delay is only on the part of either side, without going into the allegations of who has caused the delay, this Court while keeping in mind that unless and until the parties are given due opportunity to put forth their case by adducing both oral and documentary evidence, no justice would be met to them.

6. In view of the same, the order passed in IA.No.114/2016 is set aside since the delay is only on the part of the respondents, the respondents shall deposit a sum of Rs.5,000/- to the Tamil Nadu District Legal Services Authority within a period of two weeks from the date of receipt of a copy of this order and since the suit is of the year 2007, the trial Court is directed to conclude the trial within a period of six months from the date of receipt of a copy of this order.



7. With the above observations and directions, this Civil Revision Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

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There is no order as to costs.

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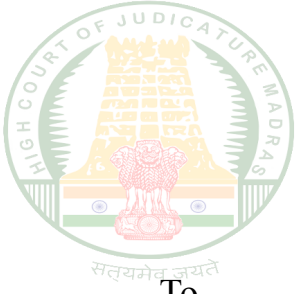
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. Pandamangalam Town Panchayat
By Its President Pandamangalam,
Paramathy Velur Tk, Namakkal Dist.

2. The Executive Officer
Pandamangalam Town Panchayat
Pandamangalam, Paramathy Velur
Taluk, Namakkal District

3. The District Munsif Court,
Paramathy.



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N.SENTHILKUMAR J.

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