



WEB COPY



CRP NO. 4307 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 4307 of 2025 and CMP No.22107 of 2025

1.Chokkammal
2.Dhanusu
3.Arumugam

.... Petitioners

VS

R.Natarajan

... Respondent

Revision filed under Section 115 of Civil Procedure Code to set aside the order dated 30.07.2025 in I.A.No.2 of 2025 in AS SR No.2466 of 2025 on the file of Principal District Court, Chengalpattu.

For Petitioners: Mr.G.Mageshkumar

For Respondent:Mr.K.Govi Ganesan

ORDER

Heard Mr.G.Maheshkumar, learned counsel for the petitioners and Mr.K.Govi Ganesan, learned counsel for the respondent.

2. The revision arises out of dismissal of I.A.No.2 of 2025, which is an application to condone the delay of 1015 days in filing the appeal.



3. The first appellate Court has found that the petitioners have not shown sufficient cause for condonation of delay of 1015 days and proceeded to dismiss the application. Challenging the same, the present revision has been filed.

4. It is the case of the petitioners that the first petitioner is aged 80 years, however, substantial rights of the parties are sought to be challenged in the first appeal and decree for declaration of title and recovery of possession have been granted by the trial Court.

5. Learned counsel for the respondent submits that the delay was not properly explained and after receipt of notice in the execution petition, the petitioners came forward with the appeal along with the delay of 1015 days and therefore, he prays for dismissal of the revision.

6. I have considered the submissions made by the learned counsel on either side and gone through the affidavit, seeking condonation of delay.

7. I find that the petitioners have made out sufficient cause for not preferring the appeal in time. Moreover, considering that substantial reliefs



have been sought for in the suit, the petitioners should not be deprived of an opportunity to contest the decree on merits.

8. In view of the above, I am inclined to set aside the order passed in I.A.No.2 of 2025. Accordingly, the order passed in I.A.No.2 of 2025 in AS.SR.No.2466 of 2025 is set aside and consequently, the delay of 1015 days in preferring the first appeal is condoned. The learned Principal District Court, Chengalpattu is directed to number the first appeal, if it is otherwise in order.

9. The learned Principal District Judge, Chengalpattu is directed to dispose of the first appeal, on merit and in accordance with law, after hearing both the parties by end of February, 2026.

10. With the above direction, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

28-10-2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order
sr

P.B.BALAJI.,J

sr



To

The Principal District Court,
Chengalpattu

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