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C.R.P.No.2969 of 2025

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 26.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. No.2969 of 2025

Chinnappillai

... Petitioner

Vs

Ramanujam (Died)

1. Muniyasamy
2. Thangasamy
3. Arasayi

...Respondents

PRAYER: Civil Revision Petition filed under Section 115 C.P.C., to set aside the order dated 24.06.2024 passed by the I Additional District Munsif, Vridhachalam in I.A.No.95 of 2018 in O.S.No.5 of 2007 and condone the delay of 2723 days in filing the petition to restore the suit in O.S.No.5 of 2007 and restore the suit to file and allow the case to be decided on merits.

For Petitioner : Mr.R.R.Pradheep

For Respondents : No appearance



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ORDER

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This Civil Revision Petition has been preferred challenging the order dated 24.06.2024 passed by the I Additional District Munsif, Vridhachalam in I.A.No.95 of 2018 in O.S.No.5 of 2007.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. Despite service of notice on the respondents and their names have also been printed in the cause list, none appeared on the side of the respondents, either in person or through a counsel.

4. It is seen from the records that the petitioner herein has filed the suit in O.S.No.5 of 2007 for declaration and for consequential relief of permanent injunction and with alternative relief of recovery of possession with costs in respect of the suit property. The said suit was dismissed for default on 09.07.2010. Thereafter, the petitioner filed an application in I.A.No.95 of 2018 invoking Section 5 of Limitation Act to condone the



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delay of 2723 days in filing the petition under Order IX Rule 9 C.P.C. seeking to restore the said suit, which came to be dismissed on 24.06.2024. Challenging the same, the present revision petition is filed by the petitioner.

5. In the affidavit filed by the revision petitioner in support of the petition filed to condone the delay, he has stated that due to ill-health of the petitioner and his son, and also the counsel, who was engaged by him earlier died and that he could not appear before the Court during the suit proceedings and hence, the suit was dismissed for default on 19.07.2010. Since the earlier counsel died, the petitioner could not appoint a new counsel by getting case records from his earlier counsel and that he could not file the petition seeking to restore the suit within a stipulated time. Therefore, the delay is neither wilful nor wanton. Except the above bald reasons, no other specific reasons have been assigned by the petitioner. Moreover, the petitioner has not produced any documentary evidence to support his contention. It is seen that the respondents herein have filed the suit in O.S.No.242 of 2012 and the same was decreed as prayed for on 18.04.2018. During the proceedings in O.S.No.242 of 2012, the



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respondents herein have mentioned about the dismissal of the suit in O.S.No.5 of 2007. The petitioner herein participated in the suit in O.S.No.242 of 2012 through his counsel and hence, he could not state that he was not aware of the dismissal of the suit in O.S.No.5 of 2007. Though the reasons assigned by petitioner are not enough to condone the inordinate delay of 2723 days, the Court below dismissed the petition.

6. The petitioner filed the suit in O.S.No.5 of 2007 seeking declaration and recovery of possession and he himself allowed the said suit to be dismissed for default in the year 2010. Thereafter, he did not file any application seeking to restore the suit within a stipulated time and the same was also filed with a huge delay of 2723 days. The length of the delay is not a matter, but the reasons have to be assigned validly. In the present case, though, the petitioner has not given any valid and sufficient reasons to the satisfaction of the Court to condone the enormous delay 2723 days in filing the petition to restore the suit, the Court below has rightly appreciated the merits of the case and dismissed the condone delay application and hence, it does not require any interference.



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7. In the result, this Civil Revision Petition is dismissed and the order dated 24.06.2024 passed by the I Additional District Munsif, Vridhachalam in I.A.No.95 of 2018 in O.S.No.5 of 2007 is confirmed. There shall be no order as to costs.

26.08.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

To

The I Additional District Munsif,
Vridhachalam.



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P.VELMURUGAN, J

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