



CRP.No.4534 of 2025 and CMP.No.23029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.No.4534 of 2025

and

C.M.P.No.23029 of 2025

1. K.R.Padmanabhan

... Petitioner / 1st Respondent / 1st Defendant

2. K.R.Baskaran

... Petitioner / 2nd Respondent / 2nd Defendant

Versus

K.R.Ravi Balachandran (deceased)

1. R.Selvarani

... Respondent / 1st Petitioner / Proposed Plaintiff

2. R.Srinivasan

... Respondent / 2nd Petitioner / Proposed Plaintiff

3. R.Gayathri

... Respondent / 3rd Petitioner / Proposed Plaintiff

4. V.R.N.Selvamani

... Respondent / 3rd Respondent / 3rd Defendant

5. V.R.N.Paneerselvam

... Respondent / 4th Respondent / 4th Defendant

6. K.A.Kuthbudeen

... Respondent / 5th Respondent / 5th Defendant

7. P.Karpagam

... Respondent / 6th Respondent / 6th Defendant

8. P.Jegan

... Respondent / 7th Respondent / 7th Defendant

9. P.Jayalakshmi

... Respondent / 8th Respondent / 8th Defendant



10. P.Surya

... Respondent / 9th Respondent / 9th Defendant

11. M. Kaliyaperumal

... Respondent / 10th Respondent / 10th Defendant

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair order and Decree passed in I.A.No.8 of 2024 in O.S.No.9 of 2016 dated 21.07.2025 on the file of the Principal District Court, Thiruvarur.

For Petitioners : Mr.C.Ravichandran

ORDER

Unsuccessful defendants have preferred the present Civil Revision Petition.

2. Originally, the suit in O.S.No.9 of 2016 was instituted by one K.R.Ravi Balachandran, a person stated to be mentally disordered, represented through his guardian and next friend R.Selvarani, seeking partition of the suit schedule properties, before the Principal District Court, Thiruvarur. The defendants entered appearance and filed their written statements, and necessary issues were framed and the trial commenced. At this stage, the original plaintiff, K.R.Ravi Balachandran, passed away. Thereafter, his legal heirs filed an application in I.A.No.8 of 2024 in



O.S.No.9 of 2016 under Section 5 of the Limitation Act, seeking to condone the delay of 14 days in filing the petition for cancellation of Abetment Period of filing the Legal heir petition. Upon hearing either side, the Court below *vide* order dated 21.07.2016, allowed the petition, on the ground that the term "sufficient cause" has to be interpreted broadly to avoid injustice and to ensure meritorious cases are not dismissed solely due to technical delays. Aggrieved over the same, the defendants have preferred the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioners would submit that the suit itself was dismissed for non- prosecution on 06.07.2024, and subsequently, on 05.08.2024, the respondents 1 to 3 filed five separate interlocutory applications in I.A.6 of 2024, seeking permission to authorise the first respondent / R.Selvarani, to act as power agent of respondents 2 and 3, and another application in I.A.No.7 of 2024, seeking restoration of the suit in O.S.No.9 of 2016, which had been dismissed for non - prosecution. The revision petitioners filed detailed counter affidavits opposing all the interlocutory applications. The learned counsel further contends that the



defendants are contesting the suit on the ground that the first respondent / R.Selvarani, and her husband, the deceased original plaintiff, were not mentally fit at the time of executing the Power of Attorney dated 19.02.1993. It is further contended that the first respondent is not competent to act as the next friend of the original plaintiff, as she has an adverse interest against the plaintiff's estate. The learned counsel points out that the first respondent, along with her son, the second respondent herein, had earlier filed a separate suit against the original plaintiff, late K.R.Ravi Balachandran, in O.S.No.62 of 2015, claiming 1/6th share in the same suit schedule property, but subsequently withdraw the said suit as she lacked *locus standi* to maintain it.

4. To strengthen his contention, the learned counsel referred to the following judgments:-

(i) *Sundar Gnanaolivu, represented by his Power of Attorney Agent Mr.Rukmini vs. Rajendran Gnanavolivu, represented by its Power of Attorney Agent Veina Gnanavolivu*, reported in **2003 (1) L.W.585**.

(ii) *H.Anjanappa and others vs. A.Prabhakar and others*, reported in **2025 (4) CTC 205**.



(iii) *Shivamma (Dead) by L.Rs. vs. Karnataka Housing Board and others*, reported in **MANU / SC/1262/2025**

(iv) *Nakkheeran Publications, rep. by its Editor. 2. Thiru Nakkheeran Gopal, Editor, Nakkheeran Publications vs. Dhyanaapeeta Charitable Trust, rep.by its Trustee, Sri Nithya Sadhananda @ T.T.Dhanasekar*, reported in **2011 (5) CTC 607**.

(v) *Rajkishore Prasad and others vs. The State of Orissa and others*, reported in **1979 SCC online Ori 35**

(vi) *Union Bank of India and others vs. Hemantlal Ranchhodbhai Vegad*, reported in **1990 SCC Online Guj 109**.

(vii) *Bhagwani Devi Mohata Hospital vs. A.D.J.Rjgarh & Another*, reported in **AIR 2005 Raj 274**.

(viii) *J.Muthurajan, 2. J.Subburajan vs. S.Vaikundarajan and 10 others*, reported in **2025 (2) CTC 573**.

5. It is seen from the records that the suit was originally filed by one K.R.Ravi Balachandran, a mentally disordered person, represented by his natural guardian and next friend R.Selvarani. The revision petitioners filed their objections, wherein it has been stated that the delay actually comes to



164 days (i.e., 90+60+14 days). The calculation of delay has been made from 23.02.2024. It is further stated that there is only a bald allegation that Selvarani was ill and bedridden due to a knee injury. The son or daughter could have signed the petition to implead the legal representatives, as both were in Chennai, and the plea that they were elsewhere is false. It is also stated in the objections that while considering the bonafides and sufficiency of reasons under Section 5 of the Limitation Act, the Court should also read in conjunction with Section 3 of the said Act, except for certain provisions like Sections 4 to 24.

6. The Court below has rightly observed that, in order to decide the real controversy between the parties, the expression "sufficient cause" should be interpreted liberally to prevent injustice and to ensure that meritorious matters are not dismissed merely on technical grounds of delay. This Court is of the view that there is no illegality or irregularity in the order passed by the Court below.



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7. In view of the above, there is no reason to interfere with the order passed in I.A.No.8 of 2024 in O.S.No.9 of 2016 dated 21.07.2025 on the file of learned Principal District Court, Thiruvarur.

8. Accordingly, this Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned Principal District Court, Thiruvarur.



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M. JOTHIRAMAN, J.

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