



C.R.P.(PD) No.42 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.(PD) No.42 of 2024

N.Mageshwaran

... Petitioner

Vs.

1. Sampath Balaji
2. K.Chelladurai

Nageswaran (since died)

3. Lakshmi

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order passed in I.A.No.1 of 2022 in O.S.C.F.R.No.8305 of 2011 on the file of 1st Principal District Judge, Coimbatore.

For Petitioner : Ms.R.Pushpalatha

For Respondent-1: Ms.A.Saranraj

For Respondent-2 : Served – No Appearance.

For Respondent-3 : Mr.D.Senthil Kumar



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C.R.P.(PD) No.42 of 2023

ORDER

The civil revision petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking to condone the delay of 2096 days in payment of court fee.

2. The petitioner herein filed a suit for declaration and recovery of possession in O.S.C.F.R.No.8305 of 2011. The said suit was filed by the petitioner as an indigent person. The pauper original petition No.175 of 2013 filed by the petitioner seeking leave of the Court to sue as an indigent person was dismissed for default on 05.11.2014. Thereafter, the petitioner filed an application in I.A.No.688 of 2015 to restore the application. However, the said application was dismissed on 21.12.2015. Aggrieved by the said order, the petitioner preferred an appeal before this Court in C.M.A.Sr.No.57734 of 2016. The said C.M.A was also dismissed on 16.09.2016 on the ground that the reasons for the delay in filing the appeal was not properly explained. Thereafter, the petitioner filed an application in I.A.No.1 of 2022 in O.S.C.F.R.No.8305 of 2011 seeking to condone the delay of 2096 days in payment of Court fee. On 12.10.2023, the said application was dismissed by the trial Court on the ground that the



petitioner failed to explain the reasons for the inordinate delay of 2096 days in payment of court fee. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner submits that the petitioner was searching for a good job and had no source of income and hence, there was a delay in payment of court fee.

4. It is seen from the affidavit filed in support of the application to condone the delay of 2096 days that the petition filed by the petitioner seeking permission to sue as an indigent person was dismissed as early as on 05.11.2014. The petitioner filed an application for restoration of the said application and the same was also dismissed on 21.12.2015. The said order was challenged by filing an appeal before this Court, that too with a delay. The said C.M.A was also dismissed on 16.09.2016. It is clear that even though the petitioner was searching for a job, he took considerable time in filing the restoration application and also in preferring the appeal before this Court. However, he has not taken any steps to file an application to condone the delay in payment of court fee immediately after the dismissal of



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C.R.P.(PD) No.42 of 2025

the C.M.A by this Court on 16.09.2016. The instant application has been filed only on 01.06.2022 nearly after six years from the date of the dismissal of C.MA.Sr.No.57734 of 2016. In the affidavit filed in support of the application to condone the delay, the petitioner has not given any convincing reason to explain the inordinate delay of 2096 days. The only reason given by the petitioner is that he was searching for a job and hence, he could not file the application in time. The said reason cannot be accepted for condoning the inordinate delay of 2096 days. The trial Court has rightly appreciated the same and dismissed the application. I do not find any illegality or irregularity in the order passed by the Court below and accordingly, this Civil Revision Petition is dismissed. No costs.

10.11.2025

Index : Yes/No
Speaking Order : Yes / No
srn

To

1. The Principal District Judge,
Coimbatore.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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C.R.P.(PD) No.42 of 2024

S.SOUNTHAR, J,

srn

C.R.P.(PD) No.42 of 2024

10.11.2025