



C.R.P.(MD)No. 684 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.684 of 2022

and

C.M.P.(MD)No.2800 of 2022

K.Nagapushpa

...Petitioner

Vs.

1.Sangilimuthu Kargondar @ Rajendran

2.Neelambigai

N.Nagrajan (Died)

3.Subramanian

A.Gajarajavali (Died)

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records relating to the fair order and decreetal order dated 28.10.2021 in I.A.No.8 of 2016 in ASSR.No.90 of 2016, on the file of learned principle Sub Court, Tiruchirapalli and set aside the same.

For Petitioner : Mr.Ramakrishnan

For Respondents : No Appearance



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ORDER

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This petition has been filed seeking to set aside the fair order and decretal order dated 28.10.2021 in I.A.No.8 of 2016 in ASSR.No.90 of 2016, on the file of learned principle Sub Court, Tiruchirapalli.

2.The petitioner is the second defendant in O.S.No.401 of 2006 and the fifth defendant in O.S.No.796 of 2006. The said suit in O.S.No.401 of 2006 was filed by one Annamali Adiyagan, who is a power agent of Sangilimuthu Karkondar alias Rajendran and the said Sangilimuthu Karkondar alias Rajendran himself filed a suit in O.S.No.796 of 2006. The prayer in O.S.No.401 of 2006 is a declaration to declare the first plaintiff and fourth defendant are entitled to suit schedule property and consequential reliefs for permanent injunction as against the defendants 1 to 3 from interfering with the peaceful possession and enjoyment of the property in suit item No.1 by the first plaintiff and the fourth defendant and for declaration that the second plaintiff is entitled for suit items 2 and 3 with a consequential relief of permanent injunction as against the defendants 1 to 3 from interfering with the peaceful possession and enjoyment of the property in suit items 2 & 3 by the second plaintiff.



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3.The prayer in O.S.No.796 of 2006, for permanent injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the property. Both the suits were clubbed together and disposed of by way of a common judgment and decree. The trial Court arrived at a conclusion that the plaintiff in O.S.No.401 of 2006, failed to establish that the suit items 1 and 2 belong to them and that the plaintiff in O.S.No.796 of 2006 also failed to show that he was carrying on quarrying operations in the suit property. Hence, dismissed the above suits with cost. Against which, the plaintiff filed an appeal before the lower appellate Court with a delay of 3154 days in I.A.No.8 of 2016 in A.S.SR.No.90 of 2016, before the Principal Sub Court, Tiruchirappalli and the same was allowed with cost of Rs.3000/- to the respondent. Challenging the same, the present Civil Revision Petition has been filed.

4.Learned Counsel for the petitioner would submit that the petitioner is the second defendant in O.S.No.401 of 2006 and the fifth defendant in O.S.No. 796 of 2006. Both the suits came to be dismissed on 31.01.2007. The respondents 1 and 2 filed an appeal as against the judgment in O.S.No.401 of 2006. However, in respect of the other suit, they did not prefer any appeal. However, the trial Court, without considering the same, mechanically allowed



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the petition filed by the first and second respondents, which is unsustainable and the delay was not properly explained before the Trial Court. Accordingly, he prays for appropriate orders.

5. Admittedly, there is a huge delay of 3154 days on the part of the respondents 1 & 2 in preferring appeal. However, the Hon'ble Supreme Court as well as this Court has repeatedly held that the delay has to be leniently viewed and the parties must be given an opportunity to contest the case. The said exercise has been properly made by the trial Court and this Court does not find any reason to interfere with the order of the trial Court. As far as the memo filed by the petitioner is concerned, it relates to the respondents and the respondents will take care of the subsequent developments before the trial Court in the manner known to law.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07.07.2025

Internet: Yes/No
Index: Yes/No
MR



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To

- 1.The Principle Sub Court,
Tiruchirapalli
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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