



C.R..P.(NPD)(MD).No.831 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.831 of 2025

R.Appasamy Raja (Died)

1. R.Ravichandran

... 1st Revision Petitioner/
1st Petitioner/
2nd Plaintiff

2. A.Leelavathy Ammal

3. A.Ramaraja

4. R.Pankajam

5. A.Sutharasanan

6. A.Karthikeyan

... Revision Petitioners 2 to 6 /
Petitioners 2 to 6/
Proposed Plaintiffs 3 to 7

Vs.

1. The District Collector,
Office of the District Collectorate,
Dindigul.

2. The District Revenue Officer,
Office of the District Revenue Office,
Dindigul.



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3. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul.

4. The Tahsildar,
Office of the Taluk Office,
Natham.

5. The Assistant Executive Engineer,
Highways Department,
Natham.

6. The Executive Officer,
Natham.

7. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Natham.

8. N.Muthiah

... Respondents/Respondents/
Defendants.

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to call for the records pertaining to the order dated 27.11.2024 in I.A.No.24 of 2024 in O.S.No.63 of 2015 on the file of the learned District Munsiff – cum – Judicial Magistrate, Natham, Dindigul District and to set aside the same.

For Petitioners : Mr.S.Karthikeyan

For R1 to R6 : Mr.S.P.Maharajan
Special Government Pleader



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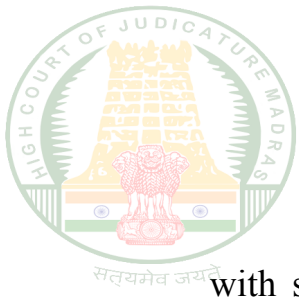
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ORDER

The second plaintiff and the proposed plaintiffs 3 to 7 in O.S.No.63 of 2015 on the file of the learned District Munsiff – cum – Judicial Magistrate, Natham, Dindigul District, have filed the present Civil Revision Petition challenging the dismissal of their application to condone the delay of 1468 days in filing an application to restore the suit.

2. A perusal of the records reveal that the above said suit has been filed for the relief of declaration and permanent injunction. The first plaintiff has passed away on 25.11.2018 and one of his legal heirs is already on record as the second plaintiff. However, he has not prosecuted the suit and the suit was dismissed for default on 12.11.2019. The present application in I.A.No.24 of 2024 has been filed to condone the delay of 1468 days in restoring the suit.

3. A perusal of the affidavit filed in support of the condone delay application reveals that the delay has occurred due to the family dispute between the parties. Other than the said reason no other reason has been assigned by the proposed parties for filing an application to restore the suit



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with such a huge delay. The trial Court, after considering the fact that the reason assigned therein, has found that the delay is inordinate and it has not been explained properly and has proceeded to dismiss the application. Challenging the same, the present Civil Revision Petition has been filed.

4. According to the learned counsel appearing for the revision petitioners, the 8th defendant alone is the contesting party and it is a family dispute relating to the temple and therefore, an opportunity should have been granted by the trial Court to contest the case on merits. He further contended that after the death of the first plaintiff there was an *interse* dispute among the family members and therefore, there was a delay in filing the application to implead the proposed parties and to restore the suit.

5. Heard the learned counsel appearing for the revision petitioners and perused the materials available on record.

6. It could be seen from the affidavit filed in support of the condone delay application that the plaintiffs have not given any valid reason for condoning the inordinate delay of 1468 days in filing the application to



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restore the suit. None of the family members have been examined to establish the fact that there was a family dispute or any other proceedings were pending which prevented the parties from filing an application for restoration of suit. In such circumstances, this Court does not find any merits in the Civil Revision Petition.

7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

18.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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Natham, Dindigul District.
2. The District Collector,
Office of the District Collectorate,
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Office of the District Revenue Office,
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4. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
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6. The Assistant Executive Engineer,
Highways Department,
Natham.
7. The Executive Officer,
Natham.
8. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Natham.
9. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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