



C.R.P.(NPD)(MD)Nos.872 & 873 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)Nos.872 & 873 of 2025

and

C.M.P(MD)Nos.4661 & 4662 of 2025

C.R.P.(NPD)(MD)No.872 of 2025

- 1.Niraiyudaiyan
- 2.Boothurai
- 3.Narayanan
- 4.Kannammal
- 5.Ananthammal
- 6.Sornalakshmi
- 7.Arumugasamy
- 8.Muppliammal

... Petitioners/Petitioners/Appellants/
Defendants Nos.2 to 9

Vs.

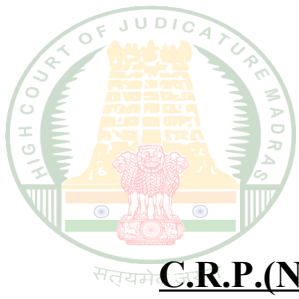
Panneerselvam

... Respondent/Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order I.A.No.2 of 2023 in Unreg.A.S.No. of 2023 dated 09.01.2025 on the file of the learned Subordinate Court, Ambasamudram.

For Petitioners : Mr.H.Mahamed Hussain

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C.R.P.(NPD)(MD)No.873 of 2025

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Ananthammal

...Petitioner/5th Petitioner/
5th Appellant/6th Defendant

- 1.Arikrishnan
- 2.Niraiyudaiyan
- 3.Boothurai
- 4.Narayanan
- 5.Kannammal
- 6.Sornalakshmi
- 7.Arumugasamy
- 8.Muppliammal

... Respondents Nos.2 to 8/Petitioner Nos.1 to 4 and 6 to 8/
Appellants Nos.1 to 4 and 6 to 8/Defendants Nos.2 to 5 and 7 to 9

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order I.A.No.2 of 2023 in Unreg. A.S.No. of 2023 dated 09.01.2025 on the file of the Subordinate Court, Ambasamudram.

For Petitioner : Mr.H.Mahamed Hussain

COMMON ORDER

The appellants in unnumbered First Appeal, on the file of the Sub Court, Ambasamudram, have filed the present revision petition, challenging the dismissal of their application to condone the delay of 1251 days in filing the First Appeal.



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2.A perusal of the records reveal that the sole respondent in C.R.P(NPD)(MD)No.872 of 2025 and the first respondent in C.R.P.(NPD)(MD)No.873 of 2025, have filed O.S.Nos.87 and 88 of 2008, respectively, as against the two different defendants for the relief of declaration of title and recovery of possession. Those two suits were decreed as prayed for by way of common judgment, dated 02.01.2019. The first appeal has been preferred by the defendants in the respective suits only on 08.08.2022 with a delay of 1251 days. This condone delay application has been dismissed by the first appellate Court. Challenging the same, the present revision petitions have been filed.

3.A perusal of the records reveal that common judgment in both the suits has been delivered on 02.01.2019 and a copy application has been filed only on 07.01.2021. The copy applications were made ready on 20.12.2021. Thereafter, the present first appeals have been filed in July 2022.

4.A perusal of the condone delay affidavit reveals that since one of the petitioners was suffering from Diabetes and hypertension, he was not in a position to take care of the suit. Further, it is contended that the first defendant who was taking care of the suit had passed away on 16.01.2017 and other



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defendants are residing away from the Town and therefore, they were not able to follow the case with their Counsel. This reason assigned by the revision petitioner has not been accepted by the appellate Court and the condone delay application has been dismissed.

5.The learned Counsel appearing for the revision petitioners had submitted that the first defendant who was taking care of the suit had passed away and a chance may be granted to prosecute the appeal.

6.I have considered the submissions made on either side and perused the materials available on record.

7.The first appellate Court has narrated the dates and events and has ultimately arrived at a finding that only one of appellants has been affected with Diabetes and Hypertension and it cannot be the reason for condoning the huge delay of 1251 days in filing the first appeal. It could be further seen that copy application itself was filed after a period of two years. The Covid-19 started only after one year from the date of judgment passed by the trial Court. That apart, even though the copy was made ready in December 2021, the first appeal has been filed only in July 2022. This delay has also not been explained. In such



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circumstances, this Court does not find any reasons to interfere in the order of dismissing the condone the delay application.

8. Accordingly, both the Civil Revision Petitions stand dismissed.

No costs. Consequently, connected miscellaneous petitions are also closed.

20.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Subordinate Judge, Ambasamudram.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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