



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[NPD](MD)No.1769 of 2025

and

C.M.P.(MD)No.9652 of 2025

R.Thangaraj

...Petitioner

Vs.

1.Jeslin Raj

2.Sobalraj

3.Sindhu Sahini

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 CPC praying to set aside the fair and decreetal order passed in I.A.No.1 of 2015 made in A.S.S.R.No.1 of 2015 on the file of the Sub Court, Padmanabapuram, dated 28.11.2022 by allowing this Civil Revision Petition.

For Petitioner

: Mr.T.Selvan



ORDER

This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 28.11.2022 passed in I.A.No.1 of 2015 in A.S.S.R.No.1 of 2015 on the file of the Sub Court, Padmanabhapuram.

2. The respondents herein filed a suit in O.S.No.83 of 2001 before the learned Principal District Munsif, Padmanabhapuram, seeking decree for permanent injunction, against the petitioner herein and the same was decreed in their favour on 29.07.2006. Aggrieved by the said judgment and decree, the petitioner herein filed an unregistered appeal in A.S.S.R.No.1 of 2015 before the Sub Court, Padmanabhapuram, with a delay of 3049 days, along with a petition in I.A.No.1 of 2015 under Section 5 of the Limitation Act r/w Section 151 CPC to condone the delay. The trial Court dismissed the delay condonation petition on the ground that the petitioner failed to explain the inordinate delay of more than 9 years in a proper and satisfactory manner. Aggrieved by the said order, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that although the delay is substantial, it was neither wilful nor wanton. The delay occurred due to lack of legal knowledge, absence of proper advice, and family circumstances. He further submitted that the Hon'ble Supreme Court and this Court have held that liberal approach should be adopted in condoning delay,



particularly when substantial rights are involved. On merits, the learned counsel submitted that the suit property originally belonged to one Nallathambi, grandfather of the respondents. After his demise, his sons, including Velraj and Arunachalam, inherited the property. The said Velraj had settled his share in favour of the petitioner in the year 2001. Accordingly, he prays for allowing this petition.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. It is true that while dealing with an application for condonation of delay under Section 5 of the Limitation Act, the Courts are expected to adopt a liberal and pragmatic approach. However, such liberality cannot be extended to cases where the delay is gross, unexplained, and unsupported by bona fide reasons.

6. In the present case, the delay is 3049 days, which is nearly nine years. The reasons stated by the petitioner, namely lack of legal knowledge and family circumstances, are vague and unsupported by any material or affidavit evidence. No medical documents, unavoidable impediments, or reasonable cause has been demonstrated that prevented the petitioner from initiating legal recourse within the prescribed period. Further, it is an admitted fact that the petitioner did not



take any action or show diligence in pursuing the remedy for an extended period. There is nothing on record to show that any steps were taken during this long delay, nor is there any proof to show continued interest in the litigation during this time. Moreover, in the trial proceedings, the petitioner neither examined any witnesses nor marked any documents in support of his claim, including the alleged settlement deed of the year 2000. Hence, the contention now raised regarding ownership cannot justify condonation of such an extraordinary delay at this stage.

7. The lower appellate Court has rightly appreciated the facts and dismissed the petition. This Court finds no illegality or irregularity in the impugned order warranting interference under Article 227 of the Constitution of India.

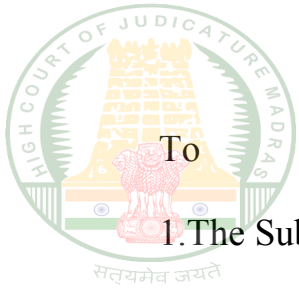
8. In view of the foregoing reasons, this Court is of the opinion that the petitioner has not made out a sufficient cause to condone the inordinate delay of 3049 days in filing the appeal. Accordingly, the Civil Revision Petition fails and is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

30.06.2025

Internet:Yes/No

Index:Yes/No

TSG



To

1.The Sub Court, Padmanabapuram.

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



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M.DHANDAPANI, J.

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