

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1889 of 2017

1.Rev Fr.Benjamin Franklin

2.Rev Fr.Christudhas

3.Rev.Fr.Sahayadhas

...Petitioners

Vs.

1.M.Maria Dhason

2.N.Varuvel

3.A.Pani Pitchai (died)

4.J.Felix (died)

5.T.Alexander

6.S.Selvaraj

7.P.David

8.P.Bensihar

9.V.A.Priya

10.F.Pracina Pritta (minor)

11.P.Thatheus Kumar

12.Josephin Satheesh

13.Mary Sunil Hema



14.Mary Sangeetha

15.Mary Nisha

...Respondents

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(Respondent Nos.7 and 8 were brought on record as legal representatives of the deceased third respondent vide Court order dated 25.01.2018 made in C.M.P. (MD).Nos.622 to 627 of 2018 in C.R.P.(MD).No.1889 of 2017)

(Respondent Nos.9 and 10 are brought on record as legal representatives of the deceased fourth respondent vide Court order dated 25.01.2018 made in C.M.P. (MD).Nos.622 to 627 of 2018 in C.R.P.(MD).No.1889 of 2017)

(Respondent Nos.11 to 15 are brought on record as legal representatives of the deceased third respondent vide Court order dated 29.10.2018 made in C.M.P. (MD).Nos.3999 to 4001/2018 in C.R.P.(MD).No.1889 of 2017 and also the order of this Court dated 17.12.2021 made in C.M.P.(MD).Nos.3999 to 4001 / 2018 in C.R.P.(MD).No.1889 of 2017)

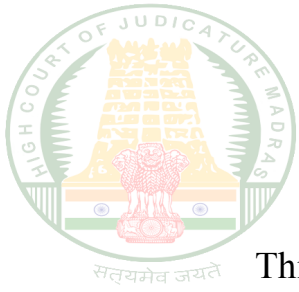
(Ranking of the respondent Nos.9 to 15 is re-arranged as per the order of this Court dated 17.12.2021 made in C.M.P.(MD).Nos.3999 to 4001 of 2018 in C.R.P.(MD).No.1889 of 2017)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in I.A.No.67 of 2015 in O.S.No.434 of 2004, dated 25.02.2017 in the Court of the Subordinate Judge, Padmanabhapuram and set aside the same by allowing this Civil Revision Petition.

For Petitioners : Mr.K.Prabhu
for M/s.Isaac chambers

For R-6 : Mr.K.P.Narayana Kumar

* * * * *



ORDER

This Civil Revision Petition has been filed seeking orders to set aside the order made in I.A.No.67 of 2015 in O.S.No.434 of 2004, dated 25.02.2017 passed by the learned Subordinate Judge, Padmanabhapuram.

2. The petitioners herein claimed to be the Provincial, Correspondent and Parish Priest. The respondents 1 to 4 herein filed a suit in O.S. No.434 of 2004 before the learned Principal District Munsif, Padmanabhapuram, seeking declaration that the parishioners of Manalikai St. Joseph's Parish alone are vested with the exclusive right to prepare the list for the appointment of teachers in the three schools mentioned in the plaint, and that such appointments shall be made based on seniority as per the said list; and consequently, prayed for permanent injunction restraining the defendants from taking any action that would interfere with or deprive the parishioners of their vested right to prepare the said list for the appointment of teachers in any manner whatsoever. The said suit was allowed on 20.12.2007. They filed an appeal in AS(SR).No.5632 of 2011 to set aside the judgment and decree of the above said suit and filed I.A.No.113 of 2011 before the learned Subordinate Judge, Padmanabhapuram seeking an order to condone the delay of 1280 days caused in filing the appeal against the judgment and decree in the above said suit. However, the same was dismissed on 18.03.2014. Thereafter, the petitioner filed I.A.No.67 of 2015 before the learned Subordinate Judge, Padmanabhapuram seeking an order to condone the delay of 432 days caused in



filing the restoration petition in I.A.No.113 of 2011 in ASSR.No.5632 of 2011 and the same was dismissed on 25.02.2017 before the learned Subordinate Judge, Padmanabhapuram. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that if the exparte decree passed against the petitioners is allowed to stand, it would cause great confusion in the administration of the three schools, particularly with respect to the appointment of teachers, which ought to be made solely on merit. It is further submitted that the said decree was not communicated to the petitioners, and consequently, the petitioners filed an appeal with a delay of 1280 days, which was dismissed. Thereafter, the petitioner filed a petition to restore the appeal, along with a petition to condone the delay of 432 days in filing the same. However, the delay petition was dismissed, which, according to the petitioner, is not sustainable in law.

4. Though Civil Revision Petition was filed in the year 2017, till date, the petitioners have not taken any effective steps to send notice to some of the respondents.,

5. The suit was filed for declaration and permanent injunction in the year 2004, and the said suit was decreed on 20.12.2007. The petitioners received knowledge of the decree on 04.07.2008. However, they filed an appeal only in



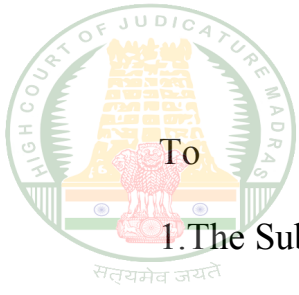
the year 2011 in A.S.SR.No.5632 of 2011 on the file of the learned Subordinate Judge, Padmanabhapuram with a delay of 1280 days. Along with the appeal, they filed a petition for condonation of delay in I.A.No.113 of 2011, which was dismissed. Subsequently, the petitioner filed another application in I.A.No.67 of 2015 seeking condonation of a further delay of 432 days for restoration of I.A.No.113 of 2011. However, as per the original calculation, the total delay in filing the appeal amounts to 1280 days. Hence, the delay has not been properly explained with sufficient cause.

6. In view of the above facts, it is evident that the appeal was filed with a substantial delay of 1280 days, and the reasons assigned for the said delay do not constitute sufficient cause under law. The subsequent application in I.A.No. 67 of 2015, seeking condonation of 432 days delay for restoration of I.A.No. 113 of 2011, also lacks adequate justification. Accordingly, the petition seeking condonation of delay is liable to be dismissed.

7. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2025

Internet: Yes/No
Index: Yes/No
TSG



To

- 1.The Subordinate Judge, Padmanabhapuram.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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