

C.M.P.(MD)No.6583 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 25.06.2025

DELIVERED ON :26.08.2025

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.P.(MD)No.6583 of 2025

in

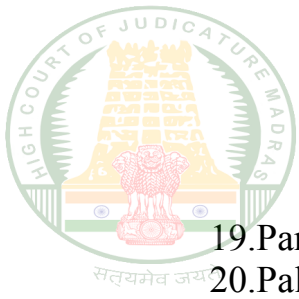
Rev.Aplc(MD)SR No.27409 of 2025

Muthulakshmi

: Review Applicant/2nd Petitioner

Vs.

- 1.V.Palanichamy
- 2.Govindammal @ Rajammal
- 3.Bagavathiammal @ Saroja
- 4.Rajammal
- 5.Govindammal
- 6.Meenakshi
- 7.Periyasamy
- 8.Samiyappan
- 9.Sakkarairaj
- 10.Subbiramani
- 11.Ramasamy
- 12.RAmar
- 13.Rani
- 14.Subbaiah
- 15.Thiruppathi
- 16.Murugeswari
- 17.Easwari
- 18.Nagaraj



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- 19.Pandiyammal
20.Palanimuthu
21.Erranaga Gounder
22.Alagiri Gounder
23.Nagalakshmi
24.Sikku Nagammal
25.Subbiramani
26.Veeruthiyammal
27.Sundararaj
28.Mariappan
29.Padaya Gowder
30.Thasirivarkula Sri Nagammal Kovil,
Kunnampatti,
Vedasandur Taluk,
represented through its President
Thiruppathi.

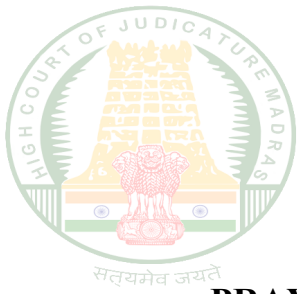
- 31.Thandapani
32.Palanichamy
33.Sakthivel
34.Muthulakshmi
35.Ramuthayee
36.Amasavalli
37.Subbammal
38.Venkatachalam
39.Thiruppathi

: Respondents 1 to 39/
Respondents 1 to 39

40.Guru Venkatasubramanian

:Proposed 40th Respondent/
1st Petitioner

PRAYER in C.M.P(MD)No.6583 of 2025: Criminal Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963 to condone the delay of 346 days in filing the Review Application in C.R.P.(MD)No.2457 of 2023.



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PRAYER in Rev.Applc(MD)SRNo. 27409 of 2025: Review Application filed under Order 47, Rule 1 r/w Section 114 of the Code of Civil Procedure, against the order passed by this Court, dated 15.03.2024, passed in C.R.P.(MD)No.2457 of 2023.

For Petitioner : Mr.Ravindran Venkatachalapathy

For Respondents : Mr.M.R.Sreenivasan
for R.1
: Mr.S.Bharath Sagarán
for R.2

: R.2 to R.39 D/W(vide EB)

ORDER

The above petition is filed under Section 5 of the Indian Limitation Act to condone the delay of 346 days in filing the review application challenging the order made in C.R.P.(MD)No.2457 of 2023, dated 15.03.2024, on the file of this Court.

2. The first respondent filed a suit in O.S.No.336 of 2022, on the file of the Additional District Court, Dindigul against the petitioner and 40th respondent and others seeking partition of the suit properties and

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allotment of 5/8th shares to him. Pending suit, the petitioner and 40th respondent herein filed a petition in I.A.No.1 of 2022 under Order 7 Rule 11 C.P.C., for rejection of plaint. The first respondent/plaintiff filed her objections. The learned trial Judge, after enquiry, passed an order dated 23.06.2022 dismissing the petition in I.A.No.1 of 2022. Challenging the dismissal of the petition to reject the plaint, the petitioner and 40th respondent filed a revision in C.R.P.(MD)No.2457 of 2023 and this Court, after hearing both parties, passed the impugned order dated 15.03.2024 dismissing the revision and thereby confirmed the order passed by the trial Court.

3. It is not in dispute that the petitioner and 40th respondent, challenging the dismissal of the Civil Revision Petition, filed the Special Leave Petition in S.L.P.(Civil) Diary No(s).26395 of 2024 before the Hon'ble Supreme Court and when the Special Leave Petition was taken up for hearing on 14.11.2024, the learned Counsel appearing for the petitioners therein sought permission to withdraw the Special Leave Petition and the Hon'ble Supreme Court granting the permission sought for, dismissed the Special Leave Petition as withdrawn.



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4. After the dismissal of the Special Leave Petition, the petitioner alone has filed the review application challenging the dismissal of the Civil Revision Petition along with the above application to condone the delay of 346 days in filing the review application.

5. The petitioner, in the affidavit filed in support of the above delay condonation petition, in paragraph Nos.1 to 15, narrates the merits of the main case. The petitioner's case, canvassed for condoning the delay is that after the withdrawal of the Special Leave Petition, they were advised to file review, but the papers sent to the Counsel in the Supreme Court were not received. The petitioner requested the Counsel through whom he made arrangements for filing Special Leave Petition to return the papers, who in turn informed the Advocate on record and finally got the papers in the first week of February 2025. The petitioner in the meantime requested the Counsel who appeared in the Civil Revision Petition to get a certified copy of the order in the Civil Revision Petition for filing the review and obtained the same. The petitioner's Counsel had also taken some time for preparation of review and the review was filed on 26.03.2025, resulting in



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a 346 days delay. The petitioner claims no negligence or wilfulness to cause the delay and according to him, great prejudice would be caused to the petitioner, if the delay is not condoned.

6. The first respondent/plaintiff filed a counter affidavit disputing the petitioner's averments, stating that the affidavit fails to disclose valid grounds for condoning the 346-day delay in filing the review petition. The first respondent contends that the petitioner, having lost the Special Leave Petition, cannot criticize this Court's order in the Civil Revision Petition. The petitioner's withdrawal of the Special Leave Petition suggests a lack of merit. Furthermore, the first respondent states that the petitioner has not adequately explained the delay, re-agitating the issue without valid grounds. As a 65-year-old senior citizen, the first respondent claims to be subjected to dilatory tactics by the petitioner, who has filed multiple petitions to prolong proceedings and deprive the first respondent of their rights to the suit schedule properties. The first respondent asserts that the petition is vexatious, meritless, and liable to be dismissed with costs.



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WEB COPY 7. Admittedly, the Civil Revision Petition in C.R.P.(MD)No.2457 of

2023 was dismissed by this Court on 15.03.2024. Even according to the petitioner, the review petition ought to have been filed on or before 15.04.2024, but admittedly the review application came to be filed on 26.03.2025 with the delay of 346 days. Section 5 of Limitation Act provides that any appeal or application other than the application under any of the provisions of Order 21 of the Civil Procedure Code can be admitted after the prescribed period, if the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

8. It is settled law that the words sufficient cause should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bonafides cannot be imputed to the party concerned, where or not sufficient cause has been furnished, can be decided on the facts of a particular case. Sufficient cause means that the party should not have acted in a negligent manner or there was a want of bonafide on its part, in view of the facts and circumstances of a case or it



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cannot be alleged that the party has not acted diligently or remained inactive.

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9. The Hon'ble Supreme Court in ***Basawaraj and another Vs. the Special Land Acquisition Officer*** reported in ***AIR 2014 SUPREME COURT 746***, held that applicant must satisfy the Court that he was prevented by any “sufficient cause” from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay and the court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose. It is settled law that even after sufficient cause has been shown, a party may not be entitled to the condonation of the delay, as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the Court by Section 5 of the Limitation Act.

10. In the present case, the petitioner cites the advice to file a review after the Special Leave Petition's dismissal and efforts to get back the papers from the Supreme Court counsel and obtain certified copies of the



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Civil Revision Petition orders as reasons for the delay. Notably, the Special Leave Petition was dismissed on 14.11.2024, and the review petition with delay condonation was filed on 26.03.2025. The petitioner has not specified when the requisition was sent to the Supreme Court counsel to get back the papers, only stating that the papers were received in the first week of February 2025. Furthermore, the petitioner's claim of requesting certified copies from the Civil Revision Petition counsel lacks elaboration. Crucially, the petitioner has failed to provide a valid explanation for the inordinate 346-days delay.

11. As rightly contended by the learned Counsel for the first respondent, this Court in the impugned order passed in Civil Revision Petition, observed that the points raised for the rejecting the plaint can only be considered during trial, not as grounds for rejection, thereby confirming the order passed by the trial Court in dismissing the petition for rejection of plaint. As already pointed out, though the petitioner and 40th respondent have preferred Special Leave Petition, subsequently, withdrew the same. It is pertinent to note that the present review and the delay condonation petition were filed by the petitioner in person and after some



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adjournments, a Counsel entered appearance. As rightly contended by the learned Counsel for the first respondent, considering the above, it can easily be inferred that the petitioner has only been attempting to drag on the proceedings. Hence, this Court concludes that the delay condonation petition is absolutely devoid of merits and the same is liable to be dismissed.

12. Upon cursory perusal of the impugned order and alleged grounds, this Court finds no error on the face of the record. Notably, the review grounds merely reiterate the grounds raised in the Civil Revision Petition, which were considered and decided by this Court.

13. In view of the above, the Civil Miscellaneous Petition is dismissed. Consequently, the Review Application is rejected at the SR stage itself. There shall be no order as to costs.

26.08.2025

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

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Pre-delivery order made in

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