



C.R.P.(MD)Nos.10 & 11 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.10 & 11 of 2022

Lakshmi (Died)
Sankarakrishnan (Died)
1.Ramasubramanian
2.Mahadevan
3.Gomathinathan
4.Kamatchi
5.Renganathan
6.Jeyalakshmi
7.Lakshminarayanan
8.Umamaheshwari
9.Manjula
10.Vijayabaskaran
11.Shymala
12.Gomathi
13.Girija

... Petitioners in both CRPs.

Vs.

1.Manimaran
2.Alagar
3.Raja
4.Rengasamy
5.Krishnan
6.Narayanan
7.Venkadampal
8.B.Dhilip
9.A.Mustafa



C.R.P.(MD)Nos.10 & 11 of 2022

10.The Tahsildhar,
Thenkarai,
Periyakulam Town,
Theni District.

11.The State of Tamil Nadu,
Rep by District Collector,
Theni-Madurai Main Road,
District Collector Office,
Theni District.

12.Dhanalakshmi

13.Kowsalya

... Respondents in both CRPs.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to call for the records relating to the Fair Order and Decreetal Order dated 09.11.2018 passed in I.A.No.109 of 2016 & I.A.No. 214 of 2018 in O.S.No.5 of 2010, by the Sub Court, Periyakulam and set aside the same.

For Petitioners : Mr.D.Malaichamy

For Respondents : Mr.S.Anand Chandrasekar

for M/s.Sarvabhuman Associates for R2

Mr.B.Saravanan,

Additional Government Pleader for R2

Mr.S.Vail Murugan for R12 & R13

No Appearance for R3,5,6,7,8

[In both CRPs.]



C.R.P.(MD)Nos.10 & 11 of 2022

COMMON ORDER

WEB COPY

These petitions have been filed seeking to set aside the Order dated 09.11.2018 passed in I.A.No.109 of 2016 & I.A.No. 214 of 2018 in O.S.No.5 of 2010, by the Sub Court, Periyakulam.

2.Learned Counsel for the petitioners would submit that the petitioners are the plaintiffs in O.S.No.5 of 2010 and the said suit was filed for declaration and permanent injunction. However, the suit was dismissed for default on 13.04.2016 and within time, the petitioner filed I.A.No.109 of 2016, for restoration of the suit, on 09.06.2016, under Order 9 Rule 9 & Section 151 of CPC, to restore the original suit. Thereafter, the petitioner realised that there was a delay in filing the said I.A. and hence, the said I.A. was not processed. Thereafter, the petitioner filed I.A.No.214 of 2018, for condoning the delay in filing the restoration petition and both the petitions were dismissed. Challenging the same, the present Civil Revision Petitions have been filed.

3.Learned Counsel for the petitioner would submit that there is a delay of only 9 days, which came to the knowledge of the petitioner only later. However, since the earlier application was not processed and thereby, the petitioner filed



another I.A.No.214 of 2018, for condoning the delay. However, both the said I.A.s came to be dismissed by the trial Court. Accordingly, he prays interference by this Court. Further, he would submit that this Court may impose reasonable cost and may restore the suit.

4.Learned Counsel for the second respondent has no serious objection for the same.

5.Repeatedly, the Hon'ble Supreme Court as well as this Court has held that the delay has to be leniently viewed and the parties must be given an opportunity to contest the case. Admittedly, initially there was only 9 days delay at the time of filing the first I.A. Since the petitioners had no knowledge of the delay and they were processing I.A.No.109 of 2016, the delay period got increased. Thereafter, they filed another application in I.A.No.214 of 2018.

6.Considering the above, these Civil Revision Petitions are allowed and the orders passed by the trial Court in I.A.No.109 of 2016 & I.A.No. 214 of 2018 in O.S.No.5 of 2010 dated 09.11.2018 are set aside, on condition that the petitioner pays a cost of Rs.5,000/- to the second respondent, within a period of two [2] weeks from the date of receipt of a copy of this order. Upon production



C.R.P.(MD)Nos.10 & 11 of 2022

of the payment receipt, the trial Court is directed to restore the suit in O.S.No.5 of 2010 and dispose of the same, as expeditiously as possible. There shall be no order as to costs.

06.08.2025

Internet: Yes/No

Index: Yes/No

MR



C.R.P.(MD)Nos.10 & 11 of 2022

WEB COPY

To

- 1.The Sub Court,
Periyakulam.
- 2.The Tahsildhar,
Thenkarai,
Periyakulam Town,
Theni District.
- 3.The District Collector,
Theni-Madurai Main Road,
District Collector Office,
Theni District.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)Nos.10 & 11 of 2022

M.DHANDAPANI, J.

MR

C.R.P.(MD)Nos.10 & 11 of 2022

06.08.2025