

CRP(MD). No.1873 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 17/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1873 of 2025
and CMP(MD) No.10367 of 2025**

Sundarraaj(Died),

1.Guruvammal,

2. Rameshkumar,

3. Ravi

... Petitioners

Vs

1. Ganapathiammal

Vellaiammal (Died),

Ganapathy (Died),.

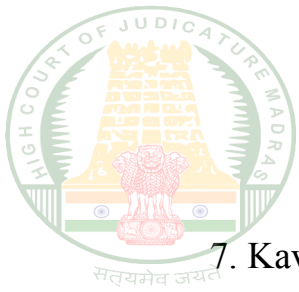
2. Anushia

3. Umamaheswari

4. Subburaj

5. Gengammal

6. Seenivasagam



CRP(MD), No.1873 of 2025

7. Kavitha

8. Sathya

... Respondents

PRAYER :- Civil Revision Petition filed under section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated, 29.01.2025 passed in I.A.No.1 of 2024 in Unregd AS (SR)No.2061 of 2020 on the file of the Principal District Court, Tenkasi.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.S.Kadarkarai

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated, 29.01.2025 passed in I.A.No.1 of 2024 in Unregd AS (SR)No.2061 of 2020 on the file of the Principal District Court, Tenkasi.

2. The petitioners are the legal heirs of the defendant in OS No. 83/2012, which was instituted by the plaintiffs for partition and for permanent injunction against the husband of the first petitioner. The suit was decreed on 22.08.2018. Aggrieved by the same, the original defendant filed an appeal suit and since there occurred a delay of 459 days in preferring the appeal, a delay condonation petition has been filed in IA No.1/2024 in unnumbered appeal, which came to be dismissed,

2/7



CRP(MD), No.1873 of 2025

against the said dismissal, the legal heirs of the appellant are before this Court.

3. The learned counsel for the petitioners would submit that admittedly the suit was instituted in the year 2012 and it was decreed on 22.08.2018 and final decree proceedings was concluded on 30.11.2021 and EP was filed on 28.11.2022 and due to COVID-19 Pandemic, the appellants are not able to prefer an appeal and hence, there occurred a delay of 459 days. However, the said petition came to be dismissed without considering the said plea raised by the petitioners and hence, prays for appropriate direction. The learned counsel would further submit that a direction may be issued to the trial Court to number the appeal and dispose of the appeal within a reasonable time.

3. The learned counsel for the respondents on the other hand would submit that the respondents are the plaintiffs in the partition suit and the filing of the suit, decree passed and the execution proceedings and the filing of the appeal are not disputed. The learned counsel would submit that while so, the petitioners herein filed an appeal with a condone delay



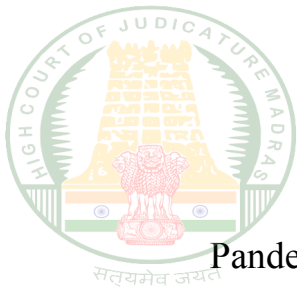
CRP(MD). No.1873 of 2025

petition with a delay of 459 days in the year 2020 and the papers were returned by the trial Court and subsequently it was represented and the matter was further delayed for nearly five years and ultimately the petition was numbered only in the year 2024 and hence, the said petition was rightly dismissed after elaborate discussion, which need not be interfered with and accordingly, prays for dismissal.

4. I have considered the rival submissions and perused the materials available on record.

5. It is not in dispute the filing of the suit and the suit was decreed and the initiation of execution proceedings and the filing of the appeal. However, the appeal was filed with a delay of 459 days and a condone delay petition was filed initially, which was returned and the same was represented and after five years only, the said petition came to be numbered and dismissed by the trial Court on 29.01.2025.

6. However, considering the facts and circumstances of the case and considering the delay in filing the appeal due to COVID-19



CRP(MD), No.1873 of 2025

Pandemic situation, the order of the trial Court is liable to be set aside, however, with terms.

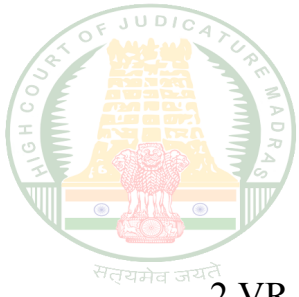
7. In view of the above, the Civil Revision Petition is allowed and the order of the trial Court is set aside on condition that the petitioners shall pay a sum of Rs.50,000/- (Rupees fifty thousand only) to the respondents and the respondents are entitled to Rs.5,000/- each. On such payment being made to the respondents, the trial Court is directed to number the appeal and dispose of the appeal within a period of three months from the date of numbering the appeal. It is made clear that if the petitioners failed to argue the case, the trial Court shall draw adverse inference against the petitioners and dispose the appeal within the time stipulated time as aforesaid, without giving any adjournments. No costs. Consequently connected Miscellaneous Petition is closed.

17.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO
1.The Principal District Court, Tenkasi.

5/7



CRP(MD). No.1873 of 2025

2.VR Section

Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.1873 of 2025

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1873 of 2025**

Date : 17/07/2025