

**C.R.P.(MD)No.1953 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.07.2025**

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**CORAM**

**THE HON'BLE MR. JUSTICE M.DHANDAPANI**

**C.R.P.(MD)No.1953 of 2025**

P.Periyasamy

...Petitioner

Vs.

SP.Ramasamy Chettiar

...Respondent

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the impugned fair and decreetal orders made in I.A.No.1 of 2024 in O.S.No.27 of 2019 on the file of the Sub Court, Melur dated 19.06.2025 and set aside the same by allowing the above Civil Revision Petition.

For Petitioner : Mr.R.Anand

For Respondent : Mr.R.M.Arun Swaminathan

**ORDER**

This petition has been filed seeking to set aside the impugned fair and decreetal orders made in I.A.No.1 of 2024 in O.S.No.27 of 2019 on the file of the Sub Court, Melur dated 19.06.2025 and set aside the same by allowing the above Civil Revision Petition.



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2. The learned counsel for the petitioner would submit that the petitioner is a plaintiff in O.S.No.27 of 2014, on the file of the Sub Court, Madurai for permanent injunction and the said suit was dismissed for default on 08.08.2019. However, the same was not noticed by the petitioner, thereby, he has not filed the restoration petition in time. Thereafter, he filed a petition in I.A.No.1 of 2014 with delay of 1732 days in restoring the suit and the delay petition was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner would submit that it is true that initially the petitioner filed a suit for permanent injunction in O.S.No.67 of 2012, on the file of the Sub-Court, Madurai Camp Court at Melur and subsequently, the said suit was transferred to Sub-Court, Melur. Initially, the suit was dismissed for default on 2.7.2014, subsequently, it was restored and thereafter again it was dismissed for default on 08.08.2019. It was dismissed for two times. He would further submit that this Court may give one more opportunity to the petitioner and in that the petitioner is ready to pay the reasonable costs to any physically challenged school or any orphanage as fixed by this Court on consultation with the learned counsel for the respondent. Learned counsel for the petitioner would submit that this Court may issue a



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direction to the trial Court to dispose of the suit within a reasonable time as fixed by this Court.

4. The learned counsel for the respondent would submit that the petitioner initially filed O.S.No.27 of 2017, on the file of the Sub-Court, Madurai Camp Court at Melur and it was transferred to Sub-Court, Melur and renumbered as O.S.No.67 of 2012 and it was dismissed for default in the year 2014, subsequently, it was restored and thereafter again it was dismissed for default on 08.08.2019. Against which, after a lapse of more than 5 years, the petitioner filed a condone delay petition in I.A.No.1 of 2022 with delay of 1732 days and in that there is no proper explanation for each and every delay, thereby, the trial Court dismissed the petition, which need not be interfered with and prays for dismissing the petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Without expressing any opinion on merits of the case, this Court is inclined to decide the issue only with regard to the delay aspect. In the present case, admittedly, the petitioner filed bare injunction suit in the year 2017.



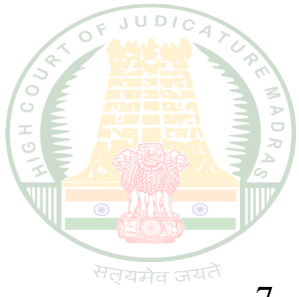
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Earlier the suit was dismissed for default in the year 2014 and thereafter restored and again it was dismissed for default in the year 2019. The petitioner filed a condone delay petition and the same was dismissed on 19.06.2024. The valuable right to contest the case cannot be denied by way of delay. Though there was huge delay on the part of the petitioner was not properly explained, for giving one more opportunity to the petitioner, this Court is inclined to dispose of the Civil Revision Petition on the following terms:-

(i) The petitioner is directed not to enter into the suit property till the disposal of the suit.

(ii) The petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the Government Higher Secondary School, Varichiyur for the benefit of the school children.

(iii) The trial Court is directed to dispose of the suit on merits within a period of three months from the date of receipt of a copy of this order. It is made clear that either the petitioner or the respondent not to take any adjournment and conduct a case on day-to-day basis. The trial Court shall dispose of the case without any influence of the interim order passed by the trial Court as well as this Court and decide the matter independently.



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7. Accordingly, the Civil Revision Petition is disposed of. No costs.

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Internet: Yes/No

Index: Yes/No

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To

1.The Sub Court,  
Melur.

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



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**M.DHANDAPANI, J.**

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