



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2166 of 2025

Veerapathiran

...Petitioner

Vs.

1.S.P.Panchavarnam

2.S.P.Senthil Nehru

...Respondents

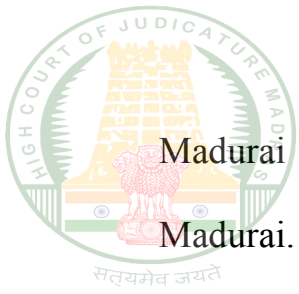
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the fair and decreetal order dated 18.12.2024 made in I.A.No.241 of 2022 in A.S.No.unnumbered of 2022, on the file of the Principal District Court, Madurai in O.S.No.894 of 2013, on the file of the II Additional Sub Court, Madurai.

For Petitioner

: Mr.M.Ramesh

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 18.12.2024 made in I.A.No.241 of 2022 in A.S.No.unnumbered of 2022, on the file of the Principal District Court,



Madurai in O.S.No.894 of 2013, on the file of the II Additional Sub Court, Madurai.

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2. The petitioner herein filed a suit in O.S.No.894 of 2013 seeking specific performance directing the respondents to execute a sale deed in respect of the suit property in favour of the petitioner, after receiving the balance sale consideration of Rs.1,00,000/-, and also for permanent injunction restraining the respondents from encumbering, alienating, or altering the suit property. By judgment and decree dated 02.07.2015, the trial Court dismissed the suit. As against the same, the petitioner preferred an appeal before the Principal District Court, Madurai, along with I.A.No.241 of 2022 seeking condonation of delay of 2364 days in filing the appeal. After hearing both sides, the lower appellate Court dismissed the said petition and consequently rejected the appeal. Aggrieved thereby, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the suit property originally belonged to the first respondent, who derived title under Settlement Deed No.2961 of 2009 executed by her mother, Irulayee Ammal, dated 31.03.2009. The respondents thereafter offered to sell the suit property to the petitioner for a total sale consideration of Rs.9,00,000/- on 25.11.2009. On the same day, the petitioner paid Rs.8,00,000/- as advance and it was agreed that the balance Rs.1,00,000/- would be paid at the time of execution of the sale

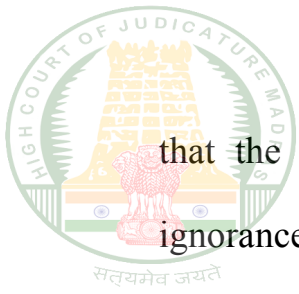


deed. As per the terms of the agreement, the petitioner was ready and willing to perform his part of the contract, but the respondents failed to execute the sale

deed. Consequently, the petitioner filed the suit for specific performance. The trial Court, however, dismissed the suit on the ground that the agreement dated 25.11.2009 did not disclose either the name of the petitioner or the respondents, and also that the stamp paper used for the agreement had been purchased eight months prior to the date of the agreement.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. The point that arises for consideration in this petition is whether the delay of 2364 days in filing the appeal before the lower appellate Court has been properly explained. This Court has perused the entire records. The suit was dismissed on 02.07.2015. The explanation offered by the petitioner is that prior to pronouncement of judgment, he had gone to Chennai for his livelihood and was not informed about the disposal of the case by his earlier counsel, who had shifted his office and residence. It is further stated that only after meeting the previous counsel, the petitioner obtained the case bundle and thereafter approached the present counsel. The petitioner has also pleaded that due to the Covid-19 pandemic during 2020-2021, he could not hand over the records in time to the present counsel, which led to the delay. However, it is to be noted



that the suit was dismissed as early as 2015. Except for a vague plea of ignorance, there is absolutely no proper explanation forthcoming for the enormous delay of more than six years in preferring the appeal. The reasons assigned are neither convincing nor sufficient to condone such inordinate delay.

6. In view of the above discussion, this Court finds no infirmity in the order passed by the lower appellate Court. Accordingly, the Civil Revision Petition is dismissed. No costs.

13.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Principal District Court, Madurai.

2.The II Additional Sub Court, Madurai.

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



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M.DHANDAPANI, J.

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