



C.R.P.(MD)No. 2032 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2032 of 2022

Chandra

...Petitioner

Vs.

1.Sevathiammal
2.S.Arockiamary
3.R.Ammakannu

4.The Sub Registrar,
Sub Registrar Office, Kulathur,
Pudukkottai District.

5.The District Collector,
District Collector Office,
Pudukkottai District,
Pudukkottai.

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, praying to set aside the fair and decreetal order passed by the learned District Munsif Court, Keeranur, Pudukkottai District made in I.A.No.90 of 2022 in O.S.No.05 of 2018 dated 16.06.2022 and allow the above Civil Revision Petition.



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For Petitioner : Mr.K.M.Karunakaran

Respondent No.1 : Died

For Respondents 2 & 3 : No Appearance

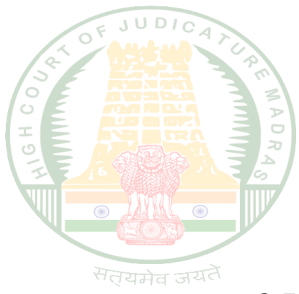
For Respondents 4 & 5 : Mr.B.Saravanan

Additional Government Pleader

ORDER

This petition has been filed seeking to set aside the fair and decreetal order passed by the learned District Munsif Court, Keeranur, Pudukottai District made in I.A.No.90 of 2022 in O.S.No. 05 of 2018 dated 16.06.2022.

2.Learned Counsel for the petitioner would submit that the petitioner is the owner of the suit schedule property. He filed a suit in O.S.No.5 of 2018 for declaration and recovery of possession of the suit property from the defendant, to declare the sale deed dated 31.03.2006 as null and void and for permanent injunction. The said suit was dismissed for default on 08.08.2019. Thereafter, the petitioner filed I.A.No.90 of 2022, with a delay of 944 days, more than two years. However, the same was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.



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3.Learned Counsel for the petitioner would submit that though the suit was filed in the year 2018, for payment of the deficit Court fees, the case was posted on 08.08.2019. At that time, since the petitioner was affected by Jaundice, the petitioner could not appear before the Court and hence, the suit came to be dismissed for default. Thereafter, the petitioner filed I.A.No.90 of 2022, with a delay of 944 days. However, the trial Court dismissed the petition. If the delay is not condoned, the petitioner will be put to irreparable loss. The said petition was dismissed on the sole ground that no sufficient reason has been stated in the affidavit and without any proper explanation for each and every delay, condone delay petition has been filed. He further submits that repeatedly, this Court as well as Hon'ble Supreme Court has held that delay petitions must be considered leniently. Accordingly, he prays for appropriate orders.

4.During the pendency of the Civil Revision Petition, the first respondent died and the second and third respondents are the legal heirs of the first respondent and other respondents are Government, represented by Additional Government Pleader. Though the names of the legal heirs of the first respondent are printed in the cause list, none appears.



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5.Learned Additional Government Pleader appearing for the respondents 4 & 5 would submit that admittedly, the petitioner filed a suit with insufficient stamp duty. However, even though sufficient time was granted till 08.08.2019, the Court fee was not paid and the suit came to be dismissed for default on 08.08.2019. After a lapse of more than two years, the petitioner filed a petition with 944 days delay, to condone the delay in filing restoration petition. Thereby, the condone delay petition was rightly dismissed, which need not be interfered with.

6.The facts in the present case are not in dispute. Admittedly, the petitioner filed a suit with deficit court fee. The check slip was served on the petitioner on 12.04.2019 for payment of deficit court fee. Thereafter, the case was posted on 08.08.2019. Though four months time was granted to the petitioner for payment of deficit court fee, he did not come forward to pay the same, for which he states that he was suffering with Jaundice. The suit came to be dismissed for default on 08.08.2019. Even thereafter, it took around two years for the petitioner to file the restoration petition with condone delay petition with a delay of 944 days, which clearly shows the lethargic attitude of the petitioner in prosecuting the case. The trial Court rightly appreciated all



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these facts and has dismissed the said I.A.No.90 of 2022, which need not be interfered with.

7.Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

21.07.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The District Munsif Court,
Keeranur,
Pudukottai District.
- 2.The Sub Registrar,
Sub Registrar Office, Kulathur,
Pudukkottai District.
- 3.The District Collector,
District Collector Office,
Pudukkottai District,
Pudukkottai.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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