



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2771 of 2024

and

C.M.P.(MD).No.15666 of 2024 and 5094 of 2025

1.M.Sheik Abdullah

2.S.Noorjahan

3.S.Sharmila Banu

4.A.Sajitha Praveen

5.M.Sharmin Nisa Begaum

6.A.Thangarani

7.A.Zeenath Nisa Begum

...Petitioners

Vs.

1.The State of Tamilnadu,
Represented by its District Collector,
Sivagangai,
Having his Office at Collectorate, Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Having his office at,
Revenue Divisional Officer, Ram Nagar, Extention Post office
Devakottai.



3.The Thasildhar,
Karaikudi,
Having his office at
Taluk Office,
Karaikudi.

4.Karaikudi Municipality
Represented by its commissioner,
Having his office at,
Municipal office,
Karaikudi

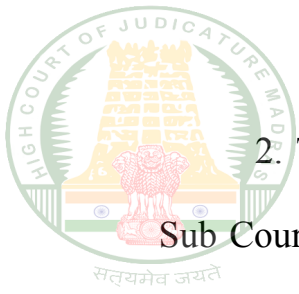
...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 CPC to call for the records relating to the Fair and decreetal order in I.A.No. 1 of 2023 in unfiled appeal suit passed by Principal District Judge, Sivagangai dated 07.08.2024 and the set aside the same.

For Petitioner	: Mr.K.P.Narayanakumar
For R1 to R3	: Mr. M.Ajmal Khan Additional Advocate General Assisted by Mr. B.Saravanan Additional Government Pleader
For R4	: Mr. E.P.Venkateswar Standing Counsel

ORDER

This petition has been filed seeking to set aside the fair and decreetal order in I.A.No. 1 of 2023 in unfiled appeal suit passed by Principal District Judge, Sivagangai dated 07.08.2024.



2. The petitioner is the plaintiff in O.S.No.10 of 2009 on the file of the Sub Court, Devakottai, seeking the relief of permanent injunction in respect of the plaint schedule property. The said suit was decreed in favour of the petitioner on 16.07.2012. As against the same, the State preferred an appeal before the Principal District Court, Sivagangai, with a delay of 4025 days, by filing I.A.No.1 of 2023 under Section 5 of the Limitation Act. The said interlocutory application was allowed on 07.08.2024. Aggrieved thereby, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the appeal was filed after an inordinate delay of more than 10 years and no acceptable or sufficient cause was shown by the State for condonation of such huge delay. He contended that the lower appellate Court, without properly appreciating the absence of sufficient cause, mechanically allowed the application, which is wholly impermissible in law. He therefore prayed for setting aside the impugned order.

4. Per contra, the learned Additional Advocate General appearing for the respondents/State submitted that the decree passed in O.S.No.10 of 2009 was not brought to the knowledge of the higher officials within time. Immediately on coming to know of the judgment and decree, necessary steps were taken by the competent authority to file an appeal. The learned Principal District Judge,



on consideration of the facts and circumstances, rightly exercised his discretion under Section 5 of the Limitation Act and condoned the delay. It is further submitted that the discretion exercised by the appellate Court cannot be interfered with in the absence of perversity. Accordingly, he prayed for dismissal of the petition.

5. This Court has considered the rival submissions and perused the materials on record. It is true that the appeal was filed with a long delay of 4025 days. However, it is settled law that the length of delay is not the sole criterion and that what is material is the sufficiency of cause explained by the party seeking condonation. The lower appellate Court, on examination of the explanation offered by the respondents, has found that the delay occurred due to reasons beyond the control of the higher officials and that public interest would be adversely affected if the appeal were to be rejected at the threshold. Condonation of delay is essentially a discretionary power, and unless such discretion is shown to be perverse, arbitrary, or contrary to law, the High Court would be slow to interfere under its supervisory jurisdiction.

6. In the present case, the order passed by the learned Principal District Judge does not suffer from any infirmity warranting interference by this Court.



7. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

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21.08.2025

Internet: Yes/No

Index: Yes/No

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To

1. The Principal District Court, Sivagangai
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Sivagangai, Having his Office at Collectorate, Sivagangai.
3. The Revenue Divisional Officer,
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Having his office at,
Revenue Divisional Officer, Ram Nagar, Extention Post office
Devakottai.
4. The Thasildhar,
Karaikudi,
Having his office at
Taluk Office,
Karaikudi.
5. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2771 of 2



M.DHANDAPANI, J.

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C.R.P.(MD)No.2771 of 2024

21.08.2025