



CRP(MD). No.3748 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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Ramasamy Nadar

... Petitioner

Vs

Meeran Mohideen

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the order and decretal order in I.A.No.1 of 2021 in unnumbered A.S.SR.No.1927/2021 dated 22.09.2025 on the file of the learned Principal District Court, Thoothukudi.

For Petitioner : Mr.R.Pon Karthikeyan

ORDER

This Civil Revision Petition has been filed challenging the order made in I.A.No.1 of 2021 in unnumbered A.S.SR.No.1927 of 2021 dated 22.09.2025 on the file of the Principal District Court, Thoothukudi.



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2.The petitioner is the defendant in the suit in O.S.No.37 of 2016 on the file of the Sub Court, Kovilpatti. The suit was filed for the relief of specific performance. The said suit was decreed in favour of the respondent/plaintiff on 25.07.2018. As against the same, the petitioner/defendant preferred an appeal before the Principal District Court, Thoothukudi, with a delay of 1080 days, by filing I.A.No.1 of 2021 under Order 41 Rule 3(A) of CPC. The said interlocutory application was dismissed on 22.09.2025. Aggrieved thereby, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner would submit that the suit was decreed on 25.07.2018 and the appeal was filed on 10.07.2021. After excluding the entire COVID-19 pandemic period for computation of limitation from 24.03.2020 to 04.10.2021, the actual delay would come to only 605 days. However, the lower appellate Court, without properly appreciating the sufficient cause, mechanically dismissed the application, which is wholly impermissible in law, since acceptable or sufficient cause was shown by the petitioner for condonation of such delay. Therefore, he prayed for setting aside the order impugned herein.



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4.This Court has considered the submission made by the learned counsel for the petitioner and the contentions set out by the petitioner in the memorandum of grounds of Revision.

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

6.It is true that the appeal was filed with a long delay of 1080 days. However, the point that arises for consideration in this petition is whether the delay of 1080 days in filing the appeal before the lower appellate Court has been properly explained.

7.This Court has perused the entire records. The suit was decreed in favour of the respondent/plaintiff on 25.07.2018. The explanation offered by the petitioner is that prior to pronouncement of judgment, he had changed his residence, due to which, the letter, in which, there is an intimation with regard to receipt of certified copy of the judgment, sent by the trial Court advocate did not reach the petitioner and after the



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relaxation of COVID-19 pandemic restrictions, the petitioner came to know about the non receipt of the letter sent by the trial Court advocate. Therefore, he could not hand over the records in time to the present counsel leading to the present delay, which is not acceptable.

8. Even though for the sake of arguments, it is assumed that the delay is 605 days, except for a vague plea of ignorance, there is absolutely no proper explanation forthcoming for such delay in preferring the appeal. The reasons assigned are neither convincing nor sufficient to condone such inordinate delay. In view of the above discussion, this Court finds no infirmity and perversity in the order passed by the lower appellate Court.

9. Accordingly, the Civil Revision Petition is dismissed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
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The Principal District Judge, Thoothukudi.



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N.SENTHILKUMAR, J.

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