



CRP(MD). No.3776 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15/12/2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3776 of 2025

and

CMP(MD)No.19868 of 2025

1. Selvaraj,
Aarumugam (died)
2. Archunan,
3. Azhagesan ... Petitioners 1 to 3 / Plaintiffs 1 to 4
4. Indirani,
5. Bharathiraja ... Petitioners 4 and 5
/ Proposed plaintiffs 5 and 6

Vs

1. Achu Muhammed,
2. Mohammed Abdullah ... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 12.08.2025 made in IA No.1 of 2025 in OS No.148 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Karambakkudi.

For Petitioners : Mr. K.C.Maniyarasu
Advocate.



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ORDER

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This Civil Revision Petition is filed to set aside the fair and decreetal order dated 12.08.2025 made in IA No.1 of 2023 in OS No.148 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Karambakkudi.

2. Learned counsel for the petitioner submitted that the petitioners are the plaintiffs in O.S.No.148 of 2023 and the respondents herein are the defendants. The petitioners herein have filed I.A.Nos.1,2 and 3 of 2025 in the suit to set aside the abatement caused by the death of the second plaintiff Aarumugam and to condone the delay of 4192 days in filing the petition and to bring on record the proposed plaintiffs 5 and 6 as legal representatives of the deceased second plaintiff. The petitions are dismissed by the trial Court by stating that the delay is 4192 days, that is almost 11 1/2 years and the petitioner has not given any sufficient reason to condone the delay. In the absence of any valid reasons to condone the delay the trial court has taken into consideration of the Law laid down by the Honourable Supreme Court in ***Balwant Singh (dead) Vs. Jagdish Singh and others*** reported in ***(2010) 8 SCC 685*** that “ a



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liberal approach in condonation of delay is not a license for negligence or inaction. The applicant must show that he acted with due diligence and that the delay was beyond his control". He has also relied upon another judgment of the Honourable Supreme Court reported in **(2008) 8 SCC 321** in the case of **Perumon Bhagvathy Devaswom V. Bhargavi Amma** where, "the length of delay is immaterial but the acceptability of the explanation is the only criterion. However, where the delay is enormous, the explanation must be equally convincing".

3. Admittedly, the petitioner and the respondent are brothers. There is no proper explanation given by the petitioner for condonation of delay of 4192 days. Therefore, this Court is not inclined to interfere with the order of the trial Court.

4. With the above observation, this Civil Revision Petition is dismissed for devoid of merits. No costs. Consequently, connected miscellaneous petition stands closed.

15.12.2025

Index : yes / no
Internet : yes / no
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N.SENTHILKUMAR, J

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1. The District Munsif cum Judicial Magistrate Court, Karambakkudi.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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and
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