



CRP(MD). No.3810 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3810 of 2025
and
C.M.P.(MD) No.20068 of 2025**

S.Mickelraj (Died),

1.M.Francis Mary,

2. M.Daniel,

3. M.Jerin Milton.

... Petitioners

Vs

G.Mayilsamy

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining the orders dated, 13.11.2025 made in EA No.26 of 2025 in EP No.36 of 2016 in OS No.22 of 2007 on the file of the learned District Munsif, Thiruvaiyaru and set aside the same and also pass appropriate orders and thus render justice.

For Petitioner : Mr. M.Maran

ORDER

This Civil Revision Petition is filed to set aside the order dated,

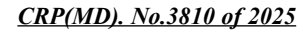


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13.11.2025 made in E.A. No.26 of 2025 in E.P. No.36 of 2016 in O.S. No.22 of 2007 on the file of the learned District Munsif, Thiruvaiyaru, wherein a petition to condone the delay of 634 days was rejected.

2. The Trial Court has examined and found that no reason was stated by the revision petitioner. Though the plea was taken about his illness, in the absence of any proof of material placed before the Trial Court for condonation of delay of 634 days, the Trial Court has dismissed the same. The decree was passed on 21.12.2014 and the execution petition was filed and taken on file on 07.11.2016. Already nine years have lapsed for taking up execution petition, which was filed on 07.11.2016. The Trial Court has taken into consideration the judgment and decree of the Hon'ble Supreme Court in **1991 (1) LW 739 in the case of N. Balakrishnan vs. M. Krishnamurthy**, wherein it has been held as follows:

"9. It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion.



Sometimes delay of the shortest range may be uncondonable due to want of acceptable explanation whereas in certain other cases delay of very long range can be condoned as the explanation thereof is satisfactory."

3. Further, this Court has also taken into consideration the judgment of this Court in the case of *Fathima Vs Rahamuthullah and others in C.R.P.(M.D) No.1045 of 2020 and CMP (MD) No.6673 of 2020*, wherein it has been held as under:

"3.1) The institution of Courts are available for remedying a wrong done to the right for the justly aggrieved. Still, the Courts do not invite the litigants to its premises, but merely make a remedial forum available and keep their doors open to all those who seek remedy. It is an invitation by appointment for those who have a reason to access the Courts for justice. It is their choice. But, once approached, they need to follow a certain discipline and a reasonable timetable.

3.2) *The Bar and the litigants need to realise that every time the Courts give a posting for hearing their case, it is an appointment the Courts give them. Professionalism of the Bar and the responsibility of the litigants should*



impel them to realise that no appointments with the Courts are wasted. Incidentally, do they miss an appointment with their physician? It is time they realised that Courts are doctors of injured rights, and the appointments they grant them are honoured and made use of. When the litigants do not miss, say a train or a plane in time, miss a marriage or other social events in time, miss a cinema or a live show in time, miss an examination or an interview in time -and the list is endless, what makes them believe that their appointments with the courts alone should figure the least in their list of priorities?

3.3) Is it a problem of inadequate professionalism of the Bar, or plain irresponsibility of the litigants, or unmindful generosity of the Courts that they themselves choose not to take the appointments that they have given the litigants seriously? The pathology of delay in disposal of cases lies somewhere in this malady. The courts may not be solely responsible for this, but it cannot seek an exemption either. However, it is passed for, and derided as studious delay. The same stakeholders who do not spare an opportunity to huse and/or waste their appointments with the courts, and at times even with sign, blame them. With pain it has to be stated that, for the sin of a oh of the Bar and the litigants, the Courts are forced to carry the cross all Lane, struggling to explain the delay for the disposal of



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cases to the citizens of this country all the time."

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4. As the petitioner failed to show any substantial reason for the delay, there is no infirmity or irregularity in the order passed by the Trial Court.

5. In view of the same, this Civil Revision Petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes / No
Internet :Yes / No
apd

18.12.2025

To
The District Munsif, Thiruvaiyaru.



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N.SENTHILKUMAR, J

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