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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 5494 of 2026 in
CMP No.23735 of 2026

CNR: {HCMA010145652026}

Case QR

Ramachandran
S/o. Dharmalinga Padayachi,
Mogambarikuppam Village,
Irulakurichi Madura Post,
Virudachalam Taluk,
Cuddalore District.

..Petitioner(s)

Vs

Balasubramaniyan
S/O. Chidambara Padayachi,
Mogambarikuppam Village,
Irulakurichi Madura Post,
Virudachalam Taluk,
Cuddalore District.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 115 of CPC to set aside the Fair and Decreetal order dated 03.11.2025 passed in I.A No. 293 of 2023 in OS No. 241 of 2008 by the Learned Principal District Munsif Court at Virudachalam and allow the CRP.

For Petitioner(s): Mr. T.Sivagnanasambandan

For Respondent(s): Mr. L.Palani Muthu

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ORDER

This Civil Revision Petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by petitioner seeking to condone the delay of 2010 days in re-presenting the returned papers filed in the condone delay petition.

2. It is seen from the typed set of papers that petitioner herein filed a suit in O.S.No.241 of 2008 on the file of Principal District Munsif, Virudachalam seeking declaration of title and permanent injunction and the said suit was dismissed for default on 08.06.2011. The petitioner filed an application to restore the suit in the year 2018 and it was returned by the Trial Court pointing out certain defects. The returned papers were not re-presented immediately and the petitioner re-presented the papers only in the month of September 2024 with a delay of 2010 days. Hence, the petitioner filed the present application seeking to condone the delay of 2010 days in re-presenting the returned papers and the same was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that the petitioner was not aware of the dismissal of the suit for default, as he was in prison at the relevant point of time. It is further stated that after his release, due to his family

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situation, the petitioner could not contact his counsel and get the details of the litigation. In the meantime, the petitioner received summons in a suit filed by the respondent in O.S.No.195 of 2018. Thereafter, the petitioner met his counsel and filed the instant application seeking to restore the suit, which was dismissed for default. The learned counsel also submits that the delay in re-presenting the returned papers is only due to the Corona Pandemic and hence, the delay may be condoned.

4. The sequence of events narrated by the petitioner would make it clear that due to non appearance of the petitioner, the suit was dismissed for default and only after 7 years, he filed an application to restore the suit along with an application to condone such delay. Even that application was returned by the Trial Court on 25.03.2019, however, the same was represented by the petitioner only on 03.09.2024.

5. It is a matter of common knowledge that Corona Pandemic disturbed the normal life of the nation from March 2020 to February 2022. However, in the case on hand, even prior to the Corona Pandemic, the papers were returned during March 2019 itself. Even after end of Corona Pandemic also, the petitioner failed to re-present the papers immediately and he re-presented it only during March 2024. Therefore, the reasons assigned by the petitioner cannot be accepted and the petitioner miserably failed to explain the delay from March

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2022 to September 2024. Hence, I do not find any error in the impugned order passed by the Trial Court.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

20-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST

To

The Principal District Munsif,
Virudachalam.

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S.SOUNTHAR, J.

MST

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