



C.R.P.No.635 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.635 of 2026
and
C.M.P.No.3465 of 2026

S.M.Lakshmanan

... Petitioner

VS.

T.Muthu Kumaran

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order passed in I.A.No.05 of 2025 in O.S.No.2018 of 2023, dated 03.02.2026 on the file of the VI Assistant City Civil Court at Chennai, by allowing the present civil revision petition.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : M/s.A.Sajidha Meera Rumana
for M/s.Kalaivani.T.



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ORDER

The Civil Revision Petition is filed challenging the order passed by the VI Assistant City Civil Court, Chennai in I.A.No.05 of 2025 in O.S.No.2018 of 2023, dated 03.02.2026 dismissing the application filed by the petitioner seeking to condone the delay of 773 days in filing the application under Section 9 of the Madras City Tenants Protection Act, 1921.

2. The respondent herein filed a suit in O.S.No.2018 of 2023 for recovery of possession against the petitioner. After commencement trial, the petitioner herein filed an application seeking benefit under Section 9 of the Madras City Tenants Protection Act, 1921 with a delay of 773 days. The said application was dismissed by the Trial Court on the ground that the petitioner failed to explain the delay. Aggrieved by the same, the petitioner has come before this Court.

3. In the affidavit filed in support of the application seeking to condone the delay of 773 days, the petitioner has stated that earlier he filed a



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suit in O.S.No.506 of 2023 seeking injunction restraining the respondent from evicting the petitioner except by due process of law. Thereafter, the present suit has been filed by the respondent seeking his eviction. It is stated that due to the pressure of the landlord, the petitioner was not able to concentrate on the case and due to improper legal guidance, he failed to file an application seeking benefit under the Madras City Tenants Protection Act, 1921 within time.

4. It is seen from the impugned order passed by the Trial Court after service of summons, the petitioner entered appearance on 23.08.2023 and vakalat was filed on his behalf as early as 11.09.2023. Thereafter, the petitioner filed an application seeking to reject the plaint in I.A.No.1 of 2024 and the same was dismissed. Subsequently, the petitioner filed his written statement on 11.06.2024. The issues were framed and when the suit was posted for trial, there was no appearance on behalf of the respondent/plaintiff and hence, it was dismissed for default. Thereafter, on application filed by the respondent/plaintiff, it was restored. Subsequently, the trial in the suit had commenced and PW.1 was examined on 04.03.2025 and on behalf of the respondent, 3 documents were marked as Exs.A1 to A3. Thereafter, the matter was adjourned for cross examination of PW.1. The



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petitioner herein after dragging the case for sometime, ultimately, filed the present application seeking benefit under Section 9 of the Madras City Tenants Protection Act, 1921 along with petition to condone the delay of 773 days on 23rd October, 2025. Therefore, the application has been presented by the petitioner nearly after 7 months from the date of examination of PW.1.

5. A narration of turn of events mentioned above would make it clear that after entering appearance, the petitioner filed an application to reject the plaint and the same was dismissed. Again, after commencement of trial, the matter was adjourned for nearly 7 months. Therefore, the plea raised by the petitioner, as if he could not concentrate on the litigation due to the pressure created by the respondent cannot be accepted.

6. If the petitioner is able to file application seeking to reject the plaint, he could have filed an application seeking benefit under Section 9 of the Madras City Tenants Protection Act, 1921, immediately after entering appearance. The vague allegations made by the petitioner in the affidavit filed in support of condone delay petition are not sufficient to condone the delay of 773 days. Therefore, I am not inclined to interfere with the



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impugned order passed by the VI Assistant City Civil Court, Chennai in
I.A.No.05 of 2025 in O.S.No.2018 of 2023, dated 03.02.2026.

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

Consequently, the connected civil miscellaneous petition is closed.

11.02.2026
(1/2)

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The VI Assistant City Civil Court,
Chennai.



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S.SOUNTHAR, J.

dm

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