



WEB COPY

CRP No. 911 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 911 of 2022

Malliga

..Petitioner(s)

Vs

1. G.Radhakrishnan
2. Assistant Engineer (O & M)
Tamil Nadu Electricity Board,
Pochampalli Post and Taluk,
Krishnagiri District.
3. The Executive Engineer (O & M)
Tamil Nadu Electricity Board,
Pochampalli Post and Taluk,
Krishnagiri District.
4. The Superintending Engineer (O & M)
Tamil Nadu Electricity Board,
Krishnagiri District.

..Respondent(s)

Prayer : This petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the Fair and Decretal orders of the learned Subordinate Judge of Uthangarai dated 26.10.2021 in I.A.No. 775 of 2018 in O.S.No. 220 of 2014 and allow the above C.R.P.

For Petitioner(s): Mr.V.Nicholas

For Respondent(s): Mr.S.T.Raja, St.C (RR2 to 4)
Mr.P.M.Jayachandran (R1)

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decretal orders of the learned Subordinate Judge of Uthangarai dated 26.10.2021 in I.A. No. 775 of 2018 in O.S. No. 220 of 2014.



2. Mr.V.Nicholas, learned counsel appearing for the petitioner would submit that the petitioner had instituted a suit for grant of relief of specific performance with a consequential permanent injunction restraining the respondents 2 to 4 from disconnecting the electricity connection. The said suit unfortunately came to be dismissed for non-prosecution. The 1st respondent had also initiated a suit, in which an *exparte* decree had come to be passed and had come to the knowledge of the petitioner only during the Execution Proceedings. Immediately, the petitioner had taken steps to set aside the *exparte* decree passed in the suit filed by the 1st respondent and also made an application to restore the suit filed against the respondents. While filing the said application there also had arisen a delay of 956 days.

3. He would submit that the non-appearance of the petitioner when the case was posted for trial was neither willful nor wanton, as the petitioner had been away from the State for taking Siddha treatment, and therefore, sought for condonation of the delay. She would vehemently contend that the Court below without considering the hardship that caused to the petitioner had dismissed the same. Hence, he seeks indulgence of this Court.



4. Countering his arguments, Mr.P.M.Jayachandran, learned counsel appearing for the 1st respondent would submit that the suit came to be dismissed on 23.03.2016 and admittedly, the petitioner had appeared before the Executing Court to the suit filed by the respondents in March 2017 on which date she was aware of the dismissal of the suit. That apart, he would submit that no reasons whatsoever had been stated by the petitioner for seeking to condone the delay of almost 1000 days in filing the restoration petition and the petitioner is attempting to only delay the fruits of the decree that the respondents had been benefitted with by protracting the proceedings. Hence, he seeks dismissal of the Revision.

5. Mr.S.T.Raja, learned Standing Counsel appearing for the respondents 2 to 4 would also submit that no reasons have been attributed by the petitioner to condone the delay.

6. I have considered the submissions made by the learned counsel appearing on either side. I have also gone through the materials placed on record.

7. The petitioner's application to condone the delay in restoring the suit filed by her came to be dismissed by the Court below. A perusal of the affidavit



filed by the petitioner in support of the interlocutory application to condone the delay of 956 days do not disclose the knowledge on which the petitioner came to know that the suit had been dismissed for default, but had specifically averred that she was aware that the case had been listed on 23.03.2016, and that the petitioner was unable to be present before this Court as she was taking the Siddha treatment outside the State. The affidavit also does not disclose the place where she took treatment nor the nature of the treatment, which she has undergone. Hence, it could be seen the said affidavit is bereft of any materials facts for the Courts to appreciate the reasons, which had caused the delay in filing such an application. When no reasons have been attributed this Court cannot not find any fault with the orders impugned herein requiring interference by this Court in the present Revision.

8. Accordingly, this Civil Revision Petition fails and stands dismissed. No order as to costs.

12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Maya

Note: Delink CRP No. 3342 of 2019



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K.KUMARESH BABU, J.

Maya

The Subordinate Judge, Uthangarai.

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Dated : 12-03-2026