



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP.No.849 of 2026
&CMP.No.4607 of 2026**

G.Thangavel

Petitioner(s)

Vs

1.G.Thangarasu
2.P.Rukmani
3.D.Thulasi
4.G.Ramachandran
5.P.Gopalakrishnan

Respondent(s)

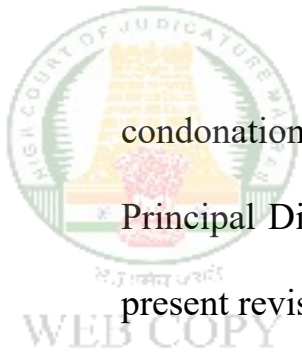
Prayer: Civil Revision Petition filed under Section 115 of CPC, against the order made by the learned Principal District Judge, Cuddalore in I.A.No.4 of 2022 in unnumbered AS.No.____ of 2022 dated 03.07.2023.

For Petitioner(s): Mr.P.Muthukumarasamy

For Respondent(s): Mr.R.Sunilkumar

ORDER

The revision petitioner is the appellant in an unnumbered first appeal before the Principal District Judge, Cuddalore. The petitioner filed I.A.No.4/2022 seeking



condonation of delay of 792 days in preferring the first appeal. On contest, the learned Principal District Judge has dismissed the said I.A.No.4 of 2022, as against which, the present revision petition has been filed.

2.I have heard Mr.P.Muthukumarasamy, learned counsel for the revision petitioner and Mr.R.Sunil Kumar, learned counsel for respondents 1 and 2.

3.Mr.P.Muthukumarasamy, learned counsel appearing for the revision petitioner would state that the suit was filed for partition and separate possession and a preliminary decree has been passed and challenging the same, the petitioner filed an appeal, along with delay of 792 days. He would further state that the parties are all brothers and sisters and the appeal could not be filed in time, only on account of the petitioner being a senior citizen and in view of suffering from various health complications and also prevailing COVID-19 pandemic situation. The learned counsel would state that the petitioner may be given an opportunity to prosecute the appeal on merits. He would further state that no prejudice would be caused to the respondents/plaintiffs, if the delay is condoned and the preliminary decree is tested on merits. He would therefore pray for the revision being allowed.

4.Mr.R.Sunil Kumar, learned counsel appearing for the respondents 1 and 2 would submit that pursuant to the ex-parte preliminary decree, the respondents also



moved the Court for final decree in I.A.No.70 of 2020 and even in the said final decree application, the petitioner was served with notice and he was set ex-parte and thereafter, an Advocate Commissioner was appointed on 27.08.2021. It is therefore the submission of Mr.R.Sunil Kumar that the petitioner has not satisfactorily explained the delay and has chosen to file the application for condonation of delay in preferring the appeal only in December 2021. Therefore, he would state that the trial Court has the First Appellate Court has rightly dismissed the application and the said order is not required to be interfered in revision.

5.I have carefully considered the submissions advanced by learned counsel on either side. I have also gone through the records, including the impugned order passed by the First Appellate Court.

6.In the affidavit in support of the condone delay application, the petitioner has stated that he was suffering from health complications and he could not come out of the house, because of the prevailing COVID pandemic situation and lockdown and the same has resulted in the delay. The application was resisted by the respondents/plaintiffs, stating that even in the final decree application filed in 2020, the petitioner entered appearance and was set ex-parte, only for non filing of counter, that too, after giving several opportunities. The allegations, that the petitioner was suffering from health complications, have also been specifically denied. The trial Court,



disbelieving the version projected by the petitioner, refused to condone the delay in preferring the appeal.

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7.As seen from the above discussion, the plea of the petitioner not being able to contact his advocate to prefer an appeal and it was only because of his health complications and prevailing COVID pandemic and lockdown imposed, etc. All these reasons fall to the ground for the simple reason that when a final decree application was filed pursuant to the preliminary decree, the petitioner has entered appearance through a lawyer. Even thereafter, he has not taken any steps to challenge the preliminary decree, till or about December 2021, for close to almost 2 years. I find that even the revision was filed with a delay of 130 days. Therefore, there is absolutely no sufficient or just cause shown by the petitioner in approaching the Appellate Court, by seeking condonation of delay of 792 days.

8.Despite the respondents denying the allegations with regard to health complications, the petitioner has not even chosen to establish the same by filing any supporting medical records. In the absence of the same and in the light of the discussion made herein above, I do not see any perversity or impropriety in the findings rendered by the learned Principal District Judge, Cuddalore, warranting interference in the revision.



9. In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

23.02.2026

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To

The Principal District Judge, Cuddalore.



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P.B. BALAJI.J.
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