



WEB COPY

CMP No. 6827 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMP No. 6827 of 2026 in CRP.SR.No.39037/2026

MD. Yasir Hussain
S/o. Late Hafiz Ashfaq Ahmed,
No.20, Leelavathy Nagar,
12th Street, Gerugambakkam,
Mowlivakkam,
Chennai-116.
Now Res. at,
C/o. Mrs. Ghazala at No.246,
2nd Cross Street,
3rd Main road,
Eshwaran Nagar,
Redhills,
Chennai-52.

..Appellant(s)

Vs

Nadeem Husan
D/o. Late Abdul Gafoor,
No.20, Leelavathy Nagar,
12th Street,
Gerugambakkam,
Mowlivakkam,
Chennai-116.

..Respondent(s)

To Condone the delay of 124 days in filing the CRP Sr.No.39037
of 2026.

For Appellant(s):

M/S. A.K.A.Rahmaan
A.R.Zarina Begum
S.Faizal Akram

For Respondent(s):

Mr.N.Saravanan, Vakalat to be filed



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ORDER

- (1) The above petition is filed by the petitioner to condone the delay of 124 days in filing the civil revision petition.
- (2) The petitioner, in the affidavit filed in support of the petition, has stated that the delay of 124 days occurred for lack of knowledge of the proceedings.
- (3) The respondent filed a counter stating that the orders in the impugned IA, were passed on 18.07.2025, that the petitioner was very much present in Court and the matter was later adjourned to 14.08.2025, for compliance of the aforesaid order. The respondent further stated that on 14.08.2025, in the presence of the petitioner, the case was further adjourned to 19.08.2025, and despite knowing that the matter was posted for compliance, the petitioner wantonly remained absent. The respondent therefore stated that the petitioner was very well aware of the proceedings in the case.
- (4) In reply to the counter, the petitioner filed a reply affidavit, denying his presence in Court on 18.07.2025. The petitioner contended that his counsel informed him only of the next date of hearing as 14.08.2025, but failed to update him on the proceedings that took place on 14.08.2025. The petitioner contended that on 19.08.2025, he was present and that his



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presence was also marked by the Trial Court. The petitioner contended that on that day, his assisting counsel informed him that the proceedings were completed for the day and that thereafter, the petitioner should appear only on summons. The petitioner therefore contended that he was completely unaware of the Court proceedings on 14.08.2025 as well as on 19.08.2025, since the assisting counsel did not update him about the proceedings. The petitioner contended that since he was remitting the monthly sum of Rs.25,000/-, regularly to the respondent, he believed the words of the assisting counsel that he had to appear only on further summons. The petitioner therefore submitted that the delay of 124 days was neither wilful nor wanton, but due to the aforesaid reasons and prayed for condonation of the delay.

- (5) Heard both sides and perused the materials placed on record.
- (6) This Court has gone through the affidavit, counter affidavit and the reply affidavit of the parties. On a reading of the petitioner's affidavit and reply affidavit, it is clear that the petitioner's principal contention is that he was not duly appraised of the proceedings before the Court by the assisting counsel. This Court finds no reason to disbelieve the said averments of the petitioner. It is well settled that a litigant ought not to suffer for the lapses of the counsel. In such view of the matter, this Court eschewing hyper-technical approach, and in the interest of justice, is inclined to condone the delay.



(7) Accordingly, the petition is **ordered** and the delay of 124 days in filing the civil revision petition is condoned.

(8) The Registry is directed to number the Civil Revision Petition, if the papers are otherwise in order and list the same for admission on **28.04.2026.**

21-04-2026

AP

Internet: Yes



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N.MALA, J.

AP

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in
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