

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:29.01.2026

Pronounced on:06.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**CRP. No.6233 of 2025**

G.Ravichandran  
(Cause title accepted vide Court order  
dated 19.11.2025)

Petitioner(s)

Vs

The Special Officer,  
Salem Cooperative Housing  
Society Ltd (S-1329),  
247/165, Cherry Road  
(Kasthuri Nilayam),  
Salem – 636 001.

Respondent(s)

**PRAYER:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of the Court of the Principal District Judge, Salem made in I.A. No.1 of 2023 in C.M.A. (C.S.) No.37 of 2004 dated 11.11.2024.

For Petitioner : Mr.S.Ayyathurai

For Respondent : Mr.B.Tamil Nidhi

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**ORDER**

The revision petitioner is the appellant before the Principal District Court, Salem, whose application for restoration of the appeal challenging the order of the Deputy Registrar (Housing), was dismissed for non prosecution.

2. I have heard Mr.S.Ayyathurai, learned counsel for the revision petitioner and Mr.B.Tamil Nidhi, learned counsel for the respondent.

3. Mr.S.Ayyathurai, learned counsel for the petitioner would contend that aggrieved by the order of the Deputy Registrar (Housing), the petitioner had preferred CMA. (CS). No.37 of 2004, the CMA came to be dismissed for default on 19.12.2007. The petitioner filed an application to condone delay in filing the application to restore the appeal to file. The same was returned on 04.06.2016 for complying with certain defects. The learned counsel would contend that the re-presentation was effected on 10.11.2016, but again it was returned on 05.01.2017.

4. Contending that the Advocate's clerk had failed to take return by oversight, a further delay of 2207 days in re-presenting the application

was occasioned. The learned counsel for the petitioner would contend that the petitioner should not suffer for the fault of the clerk of the Advocate, especially when the delay was only in re-presenting the papers. He would therefore, pray for the revision being allowed.

5. Per contra, Mr.B.Tamil Nidhi, learned counsel for the respondent would submit that though the present revision arises out of an application to condone delay in re-presenting the papers, the petitioner did not even file the petition to restore the appeal in time and there is a huge delay on that account as well. He would therefore state that the Trial Court has taken into account all these factors and rightly, dismissed the application and therefore, the same does not warrant interference in revision.

6. I have carefully considered the submissions advanced on either side and also I have also gone through the order of the learned Principal District Judge, dismissing the application seeking condonation of 2207 days in re-presenting the petition to condone delay/restore the CMA to file.

7. The learned Principal District Judge has taken a view that the petitioner is bound to explain each and every day's delay, which he has not satisfactorily explained the same. The learned Judge has also taken into account the fact that the appeal was dismissed for non-prosecution and the restore application itself came to be filed with an inordinate delay. Unfortunately, the Court ought not to have been carried away by the original application. The Court was only concerned with the present application for condone delay in re-presenting the petition and nothing more. Therefore, I am unable to sustain the order of the learned Principal District Judge. As rightly pointed out by the learned counsel for the petitioner, the delay in re-presenting should have been viewed liberally and an opportunity ought to have been given to the petitioner. However, at the same time, the delay has caused prejudice to the respondent. Hence, the same should be compensated by way of costs.

8. In view of the above, I am inclined to set aside the order of the learned Principal District Judge, Salem in I.A. No.1 of 2023, subject to the condition that the petitioner pay the costs of Rs.20,000/- to the first respondent, Society within a period of four (4) weeks from the date of

receipt of the copy of the order.

9. In fine, the Civil Revision Petition is **allowed** with the above terms and the order in I.A. No.1 of 2023 in CMA (CS) No.37 of 2004 on the file of the learned Principal District Judge, Salem dated 11.11.2024, is set aside. Subject to the compliance of the conditional order passed in the above revision, the learned Principal District Judge, Salem after formally allowing the set aside application, shall expedite the hearing of the main Appeal and dispose of the same, within a period of six (6) months. No costs.

**06.02.2026**

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

1.The Principal District Judge,  
Salem.

2.The Special Officer,  
Salem Cooperative Housing  
Society Ltd (S-1329),  
247/165, Cherry Road  
(Kasthuri Nilayam), Salem – 636 001.

**P.B.BALAJI, J.,**

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**Pre-delivery order in**  
**CRP. No.6233 of 2025**

**06.02.2026**