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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP Nos. 13382 and 22152 of 2026 in S.A.Nos.870 and 871 of 2009

P.Arumugam
S/o. Parasuraman

..Petitioner in both the petitions

Vs

1. The Tahsildar
   Arani Taluk, Arani
   Tiruvannamalai District
2. The District Collector
   Tiruvannamalai Dist.

..Respondents in both the petitions

Prayer in C.M.P.No.13382 of 2026: Petition filed under Section 5 of Limitation Act to condone the delay of 1125 days in filing the set aside petition in SA No. 870 of 2019

Prayer in C.M.P.No.22152 of 2026: Petition filed under Section 5 of Limitation Act to condone the delay of 1125 days in filing the set aside petition in SA No. 871 of 2019

For Petitioner(s): Mr.N.S. Sivakumar for
Ms.D.Kalaiselvi

For Respondent(s): Mr.B. Pachaiyappan
Additional Government Pleader

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C O M M O N O R D E R

These Petitions have been filed by the petitioner to condone the delay of 1125 days in filing the Petitions to set aside the Common Judgment passed and to restore the main Second Appeals.

2. According to the petitioner, he filed a suit in O.S.No.544 of 2004 on the file of the District Munsif, Arni against the respondents for declaration and mandatory injunction and the said suit was partly allowed on 05.02.2008 and partly dismissed. As per the Judgment of the trial court, the petitioner / plaintiff shall not be evicted without due process of law. As against the dismissal with regard to the mandatory injunction, the petitioner preferred an Appeal in A.S.No.37 of 2008 on the file of the Sub Court, Arani and the same was dismissed. The respondents also preferred an appeal and the same was allowed. Aggrieved by the said Decree and Judgment, the present Second Appeals have been preferred. When the appeals were posted for arguments, in the year 2014 and 2015, nothing has been happened in the said appeals, after the year

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2015, the said appeals have not been listed up to the year 2023. On 11.03.2026, the petitioner, sent a letter to High Court Legal Services Authority for appointment of fresh counsel to conduct his appeals and thereafter, he received a communication from the High Court Legal Services Committee, Chennai and in the month of April, 2026, he came to know that the appeals were dismissed on 28.02.2023 for non-prosecution. In the meanwhile, there is a delay occurred in filing the petitions to set aside the above said Common Judgment passed by this Court.

3. According to the respondents, there is a delay of three years and above and the appeals were filed in the year 2009 and the same are pending for more than 17 years and there has been no effective prosecution by the petitioner. There is no sufficient cause to condone the delay. Further, the affidavits filed in support of the petitions are bereft of explanation and the petitioner has not stated when and how he came to know about the dismissal of the appeals. The reasons stated by the petitioner are not sufficient and prayed for dismissal of the

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petitions.

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4. This Court heard both sides and perused the documents placed on record.

5. The petitioner is the appellant in both the appeals. On perusal of the records it is seen that this Court passed a common Judgment dated 28.02.2023 indicating that '*when* the *Second Appeals came up for hearing on 27.02.2023, there was no representation for the appellant and hence the Registry was directed to post these matters under the caption 'for dismissal' on 28.02.2023. Even today, there is no representation for the appellant. The learned counsel for the respondents is present. In view of the same, both the Second appeals are dismissed for non-prosecution'.*

5.1. Therefore, from the above, it is clear that this Court already provided ample opportunities to the petitioner, despite several adjournments granted for the appellant, he did not appear, thereby this Court dismissed the Second Appeals for

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non-prosecution, thereafter, the petitioner has not approached this Court immediately within the reasonable time and there is no reference about when the petitioner came to know about the dismissal of the appeals and the reasons stated by the petitioner are vague and there is no sufficient cause to allow these petitions. Therefore, it is not appropriate to allow these petitions without any reasons for the delay. The delay of 1125 days has not been properly explained by the petitioner and therefore, these petitions have no merits and deserves to be dismissed.

Accordingly, both the petitions are dismissed. No cost.

10-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssd

To

1. The Tahsildar
   Arani Taluk, Arani
   Tiruvannamalai District

2. The District Collector
   Tiruvannamalai Dist.

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P.DHANABAL, J.

ssd

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