



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2881 of 2025

Rathigunam

W/o. Vivekananthan, Sundankottai Post,
Sattankulam Taluk, Tuticorin Dt.

..Petitioner(s)

Vs

Vigneswaran

S/o. Muniyandi, No.27, Ramakrishna main Road,
Kavankarai, Chennai 066.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to allow this Civil Revision Petition and set aside the Fair and Decretal Orders dated 25.02.2025 made in IA No.1 of 2023 in OS No.97 of 2010 on the file of the Court of the Principal Subordinate Judge, Ponneri.

For Petitioner(s):

MR.M.Ramesh

For Respondent(s):

MS.NAASUHAH SHAJID. AP FOR

M/S.KAAVYA SILAMBANAN ASSOCIATES

ORDER

The plaintiff has preferred this Civil Revision Petition challenging the impugned order dated 25.02.2025 passed in I.A. No.1 of 2023 in O.S. No.97 of 2010 on the file of the Principal Subordinate Judge, Ponneri.

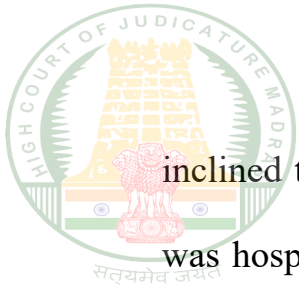
2. Before the Trial Court, the petitioner filed an application to condone



the delay of 273 days in filing a petition to restore the suit, which had been dismissed for default on 21.09.2022. Upon hearing both sides, the learned Trial Judge dismissed the application holding that, on an earlier occasion, the suit had been dismissed for default and was restored as per the order passed in I.A. No.507 of 2017, subject to payment of costs. Even after restoration, the petitioner did not cooperate with the proceedings and, therefore, the suit was again dismissed for default. Holding that the petitioner was not interested in prosecuting the matter, the Trial Court dismissed the application and declined to condone the delay. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioner submitted that the petitioner had met with an accident and, therefore, she was unable to contact her counsel and was not properly informed about the hearing, due to which she could not appear before the Court.

4. The learned counsel for the respondent raised objections contending that the petitioner intended only to drag on the proceedings and was not interested in proceeding with the suit. On a perusal of the records, it is seen that the petitioner is aged about 68 years and the suit is of the year 2010. It is also seen that, though the suit had earlier been dismissed for default, the same was restored pursuant to the order passed in C.M.A. No.32 of 2019, upon payment of costs of Rs.25,000/-, she complied that which shows that the petitioner was



inclined to prosecute the matter. However, since she met with an accident and was hospitalized in the month of January, 2023, she was unable to contact her counsel and there was also lack of proper communication. Therefore, this Court is inclined to afford one more opportunity to the petitioner and condone the delay, subject to payment of a sum of Rs.1,000/- as costs to the respondent/defendant within a period of two weeks. On such payment, the application shall stand allowed and the suit shall stand restored. No costs.

19-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. The Principal Subordinate Judge, Ponneri.
2. The Section Officer, VR section,
High Court of Madras.



WEB COPY

CRP No. 2881 of 2



T.V.THAMILSELVI, J.

MPA

CRP No. 2881 of 2025

19-06-2026