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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP No. 20843 of 2023
in
REV.APPL.SR.No.105289 of 2022

1. Nagarajan
   Plot No.2, 4 th Street (Extension) Murugan
   Nagar, Kolathur, Chennai 99.
2. Thangaraj
   Plot No.3, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

3. Banumathi
   Plot No.4, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

4. Vijayalakshmi
   Plot No.5, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

5. Riazuddin
   Plot No.6, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

6. Pushpalatha
   4 th Street (Extension), Murugan Nagar,
   Kolathur, Chennai 99.

7. Padmini
   4 th Street (Extension), Murugan Nagar,
   Kolathur, Chennai 99.

8. Loganathan
   Plot No.4, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

9. Sridevi Shesaiah
   Plot No.3, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

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..Appellant(s)

Vs

1. G.Subramani
   S/o. Govindan, No.5, Subaraya Chetty 3 rd St,
   Nammalwarpet, Chennai 12.
2. Domenic
   Plot No.7, 4 th Street (Extension), Murugan
   Nagar, Kolathur, Chennai 99.

3. Divahar
   4 th Street (Extension), Murugan Nagar,
   Kolathur, Chennai 99.

..Respondent(s)

PRAYER : This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 145 days in filing the Review Petition or pass any other orders as this Hon'ble Court.

For Petitioners: Mr.Abdul Mubeen
for Mr.Syed Kaleesha A.
For Respondent(s): Mr. Suriyamuthu.N for R1
Served – No appearance - R2 & R3

ORDER

This Civil Miscellaneous Petition has been filed by the petitioners to condone the delay of 120 days in filing the Review Petition.

2. According to the petitioner, he is the Review Petitioner in the main Review Petition.

3. This Court passed an *exparte* order on 01.04.2022 and allowed the appeal. The petitioners are not heard due to their absence.

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4. Due to the medical condition related to COVID-19 pandemic, the petitioners are unable to appear before the court on the date of hearing and thereafter, they came to know about the case and filed the Review Petition on 22.02.2022 and hence, there is a delay of 120 days in filing the Review Petition.

5. The respondents filed the counter denying the reasons stated in the accompanying affidavit. According to the respondents, the review petition itself is not maintainable. The petitioners ought to have filed an application under Order 41 Rule 20 of CPC. Instead of filing the said application, they have filed this Review Petition. The reasons stated by the petitioners for the delay of 120 days is not supported by any documentary evidence and therefore, they prayed to dismiss the above petition.

6. This court heard both sides and perused the records.

7. Considering the reasons stated in the petition and that the petitioner was not doing well and thereby due to the medical condition, he is unable to appear before this court and also considering the number of days in delay and in order to give a fair chance to the petitioners, it is appropriate to allow this petition.

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P.DHANABAL, J.

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8. Accordingly, this Civil Miscellaneous Petition stands allowed.

9. The contention raised by the respondent in respect of the maintainability of the review petition can be decided in the main Review Application .

10. The Registry is directed to number the Review Application, otherwise if it is in order.

24-11-2026

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