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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos. 5254,5263, 5264 and 5278 of 2025

CNR: {HCMA011572602025}

Vennila
W/o.Murugan, Parindal Village, Ulundurpettai
Taluk, Kallakuruchi District.

..Petitioner(s)
in all CRPs

Vs

Harikrishnan (Died)

1. Gokila, W/o.Harikrishnan,

2. Tamil Mani, S/o.Harikrishnan (Late)

3. Arul Mani, S/o.Harikrishnan (Late),

4. Selva Mani, S/o.Harikrishnan (Late),
   Respondents 1 to 4 are residing at Parindal
   Village, Ulundurpettai Taluk,
   Kallakuruchi District 606 305.

..Respondent(s) in
all CRPs

Prayer in CRP No.5254 of 2025: Civil Revision Petition is filed under Section 115 of CPC to set aside the fair and decreetal order dated 20.3.2025 passed in IA.No.2/2024 in IA.No.1 of 2023 in O.S.No.118/2010 on the file of the Additional District Munsif Court, Ulundurpettai.

Prayer in CRP No.5263 of 2025: Civil Revision Petition is filed under Section 115 of CPC to set aside the fair and decreetal order dated 20.3.2025 passed in IA.No.3/2024 in IA.No.1 of 2023 in O.S.No.118/2010 on the file of the Additional District Munsif Court, Ulundurpettai.

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Prayer in CRP No.5264 of 2025: Civil Revision Petition is filed under Section 115 of CPC to set aside the fair and decreetal order dated 20.3.2025 passed in IA.No.4/2024 in IA.No.1 of 2023 in O.S.No.118/2010 on the file of the Additional District Munsif Court, Ulundurpettai.

Prayer in CRP No.5278 of 2025: Civil Revision Petition is filed under Section 115 of CPC to set aside the fair and decreetal order dated 20.3.2025 passed in IA.No.1 of 2023 in O.S.No.118/2010 on the file of the Additional District Munsif Court, Ulundurpettai.

In all CRPs

For Petitioner(s): Mr. Prabhu C.

For Respondent(s): Mr.D.Vasanth

COMMON ORDER

These Civil Revision Petitions have been filed, challenging the order passed by the Trial Court, dismissing the applications filed by the petitioner i) seeking to condone the delay of 2796 days in filing application to restore the suit, which was dismissed for default on 30.01.2015, ii) to condone the delay in filing petition to set aside the abatement, iii) to set aside the abatement caused due to the death of first defendant and iv) to bring on record the legal heirs of the deceased first defendant.

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2. The petitioner herein/plaintiff filed a suit in O.S.No118 of 2010 for declaration of title and injunction against one Harikrishnan, the predecessor in interest of the respondents herein. The suit was dismissed for default on 30.01.2015. Thereafter, the petitioner filed an application to restore the suit along with a petition to condone the delay of 2796 days in filing restoration petition. Since the sole defendant, namely Harikrishnan died, the petitioner also filed applications to bring on record the legal heirs of the deceased defendant along with petition to set aside the abatement and to condone the delay in filing petition to set aside the abatement. All these applications were dismissed by the Trial Court mainly on the ground that the petitioner had failed to explain the delay in filing those applications. Aggrieved by the same, the petitioner has come before this court by the present civil revision petitions.

3. The learned counsel for the petitioner would submit that at the relevant point of time, the petitioner got shifted to Chennai and therefore, she could instruct her counsel. Thereafter, since the petitioner's counsel did not inform about the hearing date, the petitioner could not appear before the court and hence, the suit was dismissed for default on 30.01.2025. According to the petitioner, she acquired knowledge about the dismissal of the suit only during September 2022 and immediately, she filed the instant applications to restore the suit along with condone delay petition and also necessary L.R. petition.

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4. It is seen from the typed set of papers that the main suit was dismissed for default as early as on 30.01.2015 and the present application to condone the delay in filing restoration petition has been filed by the petitioner only on 27.10.2022. Therefore, there is a delay of nearly 7 years in filing all these applications. The reason given by the petitioner as if she shifted his residence to Chennai and her counsel failed to inform her about the hearing dates are all very vague and the same cannot be accepted as sufficient cause for explaining such inordinate delay of 2796 days. Even though the petitioner filed an affidavit stating that her counsel failed to inform about the hearing dates, she has not chosen to enter the box to give evidence to substantiate her contentions. The petitioner having failed to enter the box and subjected herself for cross examination, the averments made by her that the counsel failed to inform the hearing dates cannot be accepted. The Trial Court rightly came to the conclusion that the petitioner failed to explain such inordinate delay in filing the restoration petition and also the petition to bring on record the legal heirs of the deceased defendant. I do not find any error in the impugned order passed by the Trial Court.

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5. Accordingly, CRP Nos.5254, 5263, 5264 and 5278 of 2025 are dismissed. There shall be no order as to costs.

28-10-2026

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

MST

To

The Additional District Munsif,
Ulundurpettai.

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S.SOUNTHAR, J.

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CRP No. 5254 of 2025

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