



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 23.02.2026

Pronounced on: 27.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.4782 of 2025
and CMP. No.24175 of 2025**

V.Suganthi

Petitioner(s)

Vs

R.Ravichandiran

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.03.2025 in I.A. No.1 of 2024 in AS.SR. No.11555 of 2023 (now numbered as A.S. No.09/2025) on the file of Principal Sub Court, Kanchipuram.

For Petitioner : Mr.T.Murugamanickam,
Senior Counsel for
Mr.R.Mubarak Basha

For Respondent : No Appearance

ORDER

The revision petitioner is the respondent in AS.SR.No.11555 of 2023 (subsequently numbered as AS.No.9 of 2025), on the file of the Principal Subordinate Court, Kanchipuram.



2. Despite service of notice, the respondent has not chosen to appear either in person or through Counsel. I have proceeded to hear Mr.Murugamanickam, learned Senior Counsel, for Mr.R.Mubarak Basha, learned counsel for the petitioner.

3. The learned Senior Counsel, inviting my attention to the order passed by this court in CRP.No.2365 of 2019 dated 28.07.2023 would contend that it was only the period between 14.11.2018 to 31.08.2023 which was directed to be excluded from condonation in preferring the First Appeal. Referring to paragraph No.2 of the order, learned Senior Counsel would state that this Court has not condoned the delay from the date of the ex- parte decree till 13.11.2018. It is therefore the submission of the learned Senior Counsel that without seeking to condone the said delay, prior to November 2018, the respondent was not justified in filing of IA.No.01 of 2024 seeking condonation of 2714 days in preferring the appeal.

4. I have gone through the order passed by the learned Principal Subordinate Court, Kanchipuram in IA.No.1 of 2024. I have also carefully considered the submissions advanced by learned Senior Counsel Mr.T.Murugamanickam.



5. The only question that falls for consideration in this revision is as to whether the order passed by this Court gave a blanket exemption from seeking condonation of delay even right from the date of the ex-parte decree onwards or was it limited only to the time spent in pursuing the revisional remedy before this Court from 14.11.2018 to 31.08.2023. Paragraph 2 of the order passed by this Court on 28.07.2023 is extracted for useful and ready reference:

"2. Considering the fact that Mr.Edwin Prabhakar would plead that vital rights relating to immovable property are involved, I am inclined to permit the petitioner to file an appeal against the judgment and decree in O.S.No.438 of 2010 on the file of the District Munsif Court at Kancheepuram. The period for which this proceedings was bonafidely undertaken ie., from 14.11.2018 till 31.08.2023 will stand excluded. I am aware, I can exclude time only till today. However, taking into consideration the fervent pleas of Mr.Edwin Prabhakar, I am willing to grant thirty more days for the purpose of filing an appeal. I make it clear that this benefit will enure only in favour of the Head Master, Panchayat Union Primary School, Baluchettychathiram, Kancheepuram District. It is also made clear that the Headmaster shall be entitled to raise all the grounds that are available to him under law."

6. On a careful reading of the order passed by this Court, I find that this Court found that the proceedings initiated by the petitioner thereunder, viz., the



respondent herein, was bona fide, commencing from the period 14.11.2018 to 31.08.2023. This period has been specifically excluded. A further 30 day window has been given to enable the appeal to be preferred. This Court has not expressed anything with regard to the prior delay, viz., the delay right from the date of the ex- parte decree, till 13.11.2018. This Court was concerned only with the period lost by the petitioner in challenging the order before this Court in CRP.No.2365 of 2019. There is nothing in the order to indicate that the prior delay shall also stand excluded. Therefore, the respondent ought to have sought for condonation of the earlier period of delay as well. However the respondent has not sought for condoning the said period and has merely proceeded to seek condonation of the delay from 14.11.2018 onwards, taking advantage of the directions issued by this Court.

7. Unfortunately, the Trial Court has misread and misinterpreted the order of this Court in CRP.No.2365 of 2019 and ought to have seen that this Court never expressed any opinion with regard to the earlier period of delay, leave alone condoning the said period. In such a view of the matter, the First Appellate Court has certainly committed an error in condoning the delay of 2714 days on the ground that this Court has already excluded the said period, without noticing that the delay was much more.



8. In view of the above, I am unable to sustain the order of the learned Principal Sub Judge, Kanchipuram. The petitioner/respondent was not entitled to arbitrarily fix the delay at 2714 days, calculating it from 14.11.2018 onwards and taking advantage of the order passed in CRP.No.2365 of 2019 before this Court. The delay from the date of the decree ought to have been sought to be condoned, by giving sufficient and satisfactory reasons. Admittedly, the same has not been done. Hence the order condoning delay in IA.No.1 of 2024 is set aside. The condone delay application stands dismissed. Though the appeal has been consequently numbered as AS.No.9 of 2025, in the light of this order setting aside the order in IA.No.1 of 2024, AS.No.9 of 2025 stands rejected.

9. In fine, this Civil Revision Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

27.02.2026

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Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

The Principal Sub Court, Kanchipuram.



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P.B.BALAJI, J.,

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Pre-delivery order in
CRP. No.4782 of 2025
and CMP. No.24175 of 2025

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