



C.M.P.No.26308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.P.No.26308 of 2024
and CRP.SR.No.102123 of 2024

Mariammal

... Petitioner

VS.

1.Prakash
2.Arnesb

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, praying to set aside the order dated 28.09.2022 in respect of the application filed by the respondent herein in I.A.No.268 of 2020 in I.A.No.663 of 2015 in O.S.No.180 of 2013 passed by the Additional District Munsif at Tiruvannamalai.

For Petitioner : Mr.S.Thiruvengadam

For Respondents :Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates
for R1&R2



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ORDER

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The Civil Miscellaneous Petition has been filed seeking to condone the delay of 528 days in filing the Civil Revision Petition.

2. It is seen from the typed set of papers, the respondents herein filed a suit seeking declaration of title and permanent injunction against the petitioner and two others. The petitioner who was arrayed as 3rd defendant remained ex-parte and the ex-parte decree was passed on 02.09.2014. Thereafter, the petitioner herein filed a petition to set aside the ex-parte decree along with petition to condone the delay of 252 days in seeking to set aside the ex-parte decree in I.A.No.663 of 2015. The said interlocutory application was adjourned from time to time for enquiry from 02.12.2015 to 25.01.2018 and ultimately I.A.No.663 of 2015 was dismissed for default on 25.01.2018. Thereafter, the petitioner herein filed I.A.No.268 of 2020 to condone the delay of 888 days to restore I.A.No.663 of 2015 which was dismissed for default. The said application was dismissed on merits on 28.09.2022. Aggrieved by the same, the instant revision is filed by the petitioner. Though the order dismissing an I.A.No.268 of 2020 was passed on 28.09.2022, the Civil Revision Petition has been filed only on 02.08.2024 with a delay of 528 days.



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3. In the affidavit filed in support of the condoned delay petition it was stated by the petitioner, he received the certified copies of the order in I.A.No.268 of 2020 on 14.08.2024 and thereafter, he approached the counsel in Chennai and entrusted the papers to file revision. However, he could not produce certain documents, which was required by the counsel and after much difficulty, he traced the paper and furnished the copies to the counsel only on 19.08.2024.

4. It is seen from the records, the certified copies of the impugned order was made ready on 27.05.2024 and copies were delivered to the petitioner on 06.06.2024 and the instant revision has been filed before this Court on 02.08.2024. However, in the affidavit filed in support of condone delay petition it is stated that he received the copies only on 14.08.2024 and the same may not be correct.

5. As narrated above, there is a delay on the part of the petitioner in prosecuting the case at every stage, there was a delay of 252 days in filing the petition to set aside ex-parte decree. The said application was allowed to go for default and there was a delay of 888 days in seeking to restore the



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application. The said application was dismissed on merits on 28.09.2022.

The petitioner applied for copy of the order only on 30.04.2024 and he received it on 06.06.2024. Thereafter, the revision was filed only on 02.08.2024. In the affidavit filed in support of the condoned delay petition, it was stated by the petitioner he received copy application only on 14.08.2024 and the same is not correct. Therefore, the petitioner has not given any sufficient reason for condone delay of 528 days in filing a revision and therefore the Civil Miscellaneous Petition is dismissed and the Civil Revision Petition is rejected in SR stage itself.

22.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Additional District Munsif,
Tiruvannamalai.



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S.SOUNTHAR, J.

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