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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

Case QR

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 7395 of 2026 and

CMP No.31829 of 2026

CNR: {HCMA012143592026}

K.Rajasekaran
S/o Krishnamoorthy,
D.No. D402, 4th Floor, Courtyard, ,
Phase 2, Block 2, 11947 West Street,
Avinashi Road, Coimbatore

..Petitioner(s)

Vs

1. N.R.Ranganathan, S/o. R.N.Rangaraj,
   13-B, Lal Bahadur Colony,
   Bharathi Colony Road, Near Gopal Naidu
   HR.Sec.School, Coimbatore - 641 004.

2. R.N. Padmanaban, S/o. Late. K.R.Nanjappan,
   13/36, Club Road, Kotagiri,
   Nilgiri - 643 217.

   K.Yamuna (Died)

3. T.V.Sivarajan, S/o.late. T.Viswanathan,
   60/51, Mosque Street, Saidapet,
   Chennai - 600 015.

4. S.Padmini, W/o.T.V.Sivarajan,
   D.No. 60/51, Mosque Street,
   Saidapet, Chennai - 600 015.

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5. R.N.Rangaraj, S/o.Late.K.R.Nanjappan,
   13-B, Lal Bahadur Colony,
   Bharathi Colony Road,
   Near Gopal Naidu HR.Sec. School,
   Coimbatore - 641 004.

6. R.N.Kumaravel, S/o.Late.K.R.Nanjappan,
   13/36, Club Road, Kotagiri,
   Nilgiri - 643 217.

7. R.N.Senthilvel
   S/o.Late.K.R.Ninjappan,
   13/36, Club Road, Kotagiri,
   Nilgiri - 643 217.

   N.Ranganayagi (Died)

8. M.K.Poonguzali, W/o.Kovindarajan,
   D.No.lO, 3rd Street Road,
   Kumaran Colony, Vadapalanl,
   Chennai - 600 026

9. M.K.Selvakumar, S/o. Krishnamoorthy,
   D.No.lO, 3rd Street Road,
   Kumaran Colony, Vadapalani,
   Chennai - 600 026.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 115 of CPC to set aside the order and decreetal order dated 06.07.2026 made in IA No.01 of 2025 in A.S CFR No.446 of 2025 on the file of the Subordinate Judge at Coonoor and allow the present Civil Revision Petition.

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For Petitioner(s): Mr. M.Rajasekar

ORDER

This Civil Revision Petition has been filed challenging the order passed by the first appellate court, allowing the application filed by the 1st respondent seeking to condone the delay of 67 days in filing the first appeal.

2. The 1st respondent herein/ plaintiff filed a suit in O.S.No.8 of 2018 on the file of District Munsif, Kotagiri for declaration of title and recovery of possession. The plaint was returned by order dated 29.04.2024 on the ground that the Trial Court had no pecuniary jurisdiction to try the suit. Aggrieved by the order of returning the plaint, the 1st respondent filed an appeal before the first appellate court with a delay of 67 days. By the impugned order, the Trial Court condoned the delay on condition to pay a sum of Rs.1,000/- to the respondents 1, 3, 4 and 9 to 11 therein and a sum of Rs.500/- to the 7th respondent therein as costs by the 1st respondent/plaintiff. Aggrieved by the same, the 11th respondent therein has come before this court by filing this civil revision petition.

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3. The learned counsel for the petitioner would submit that the time for filing appeal was over as early as on 03.06.2024, but the 1st respondent filed the appeal only after expiry of the time for filing the appeal. Therefore, the 1st respondent was not entitled to include the time taken by him in getting the certified copy of the order. It is further submitted that if the time taken by him in getting certified copy is taking into account, it will be more than 227 days. However, the first appellate court, without considering the above said fact, erroneously condoned the delay.

4. It is seen from the affidavit filed by the 1st respondent before the court below that the order of return of plaint was passed on 29.04.2024. According to the 1st respondent/plaintiff, the suit filed by him was looked after by his counsel, who is practising in Coimbatore. It is further submitted that the counsel of the 1st respondent engaged his junior advocate, who is practising in Kotagiri to follow up the suit. However, the said Junior Advocate failed to file copy application immediately and the same was filed only on 18.06.2024. It is further submitted that order copy was made ready on 14.11.2024 and ultimately the appeal was filed only on 08.01.2025.

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5. Taking into consideration the reasons assigned by the 1st respondent in the affidavit filed in support of the condone delay petition, the first appellate court exercised its discretion and condoned the delay by imposing costs. Having regard to the length of delay and also fact that the suit was filed for declaration of title, this court is not inclined to interfere with the impugned order passed by the first appellate court, exercising its discretion in favour of the 1st respondent.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

23-11-2026

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

MST

To
The Subordinate Judge,
Coonoor.

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S.SOUNTHAR, J.

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