



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 7643 of 2025

in

AS SR.No.164580 of 2024

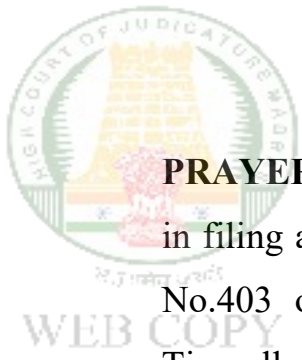
P.Ravi

..Appellant(s)

Vs

1. Kalyani
2. Jansi Rani
3. Renuka Devi
4. Shakilal
5. Sarala
6. Ammu Devi
7. P.Vittobai
8. The Sub Registrar
Sub Registrar Office,
Poonamallee.
9. The Sub Registrar
Sub Registrar Office, Avadi
10. The Sub Registrar
Sub Registrar Office,
Thiruvalangadu, Tiruthani Taluk

..Respondent(s)



PRAYER IN CMP No. 7643 of 2025: To condone the delay of 311 days in filing appeal against the Judgment and decree dated 26.09.2023 made in OS No.403 of 2022, on the file of the Learned I Additional District Judge, Tiruvallur.

PRAYER IN AS SR.No.164580 of 2024: Appeal filed under Section 96 of the Code of Civil Procedure r/w Or.43 C.P.C. to set aside the judgment and decree of the learned I Additional District Judge, Tiruvallur passed in OS No.403 of 2022 dated 26.09.2023.

For Appellant(s):	Mr.Manoj Sreevalsan
For Respondent(s):	R1 & R2 – No appearance
	Mr.K.M.Gokulesh For R3 & R7
	R4 to R6 Not ready in notice
	Mr.G.Nanmaran
	Special Govt Pleader for R8 to R10

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The first defendant in OS No.403 of 2022, on the file of the I Additional District Judge, Tiruvallur, had filed the present petition seeking to condone the delay of 311 days in filing the appeal against the judgment and decree dated 26.09.2023.

2.The said suit in OS No.403 of 2022 had been filed by the first and second respondents/plaintiffs seeking undivided 1/8th share in the suit property. The petitioner herein remained ex-parte. He did not even file his written statement. The other defendants had paid the Court fees. In the decree, the plaintiffs were granted 1/8th undivided share and the 3-5 defendants were also



held entitled to 1/8th share for the decree of partition and they were also permitted to initiate separate proceedings for passing final decree. The petitioner had claimed that since he remained ex-parte, he had filed an application seeking to set aside the ex-parte judgment and decree and that was returned by the Trial Court holding that the other defendants had contested the suit and the judgment was passed on merits and that the only remedy available was to file an appeal.

3.The learned counsel for the petitioner stated that in that process, there had been a delay. But, a perusal of the affidavit shows that the judgment and decree was dated 26.09.2023 and the petitioner herein had applied for the certified copies of the judgment and decree on 19.10.2023, which was made ready on 22.11.2023. Thereafter, he had filed an application to set aside the judgment and decree. That came to be returned on the ground that only an appeal should be filed. It was returned on 15.02.2024 and again on 14.06.2024.

4.On and from 14.06.2024 when the petitioner should have filed the present appeal, the appeal had been filed only on 03.12.2024. There has been a delay of six months on and from the date of the last return. Even otherwise, a perusal of the merits of the case shows that the petitioner herein is entitled to an undivided 1/8th shares along with his sisters. His claim is that he had spent money to marry his sisters and then got married only in the year 1995 and



thereafter, in the year 1996 married the last sister. He therefore claimed that since he had spent money on their marriages, they are not entitled for share in the property. This argument cannot hold water since, by birth and the progression in law, daughters in the family have a right and share in the property. That share cannot be denied merely because the petitioner claims to have spent money on their marriage. The petitioner cannot deny the right of their shares in the property.

5. We are not convinced either with the reasons stated to condone the delay nor does the petitioner has any case on merits. The petition stands dismissed and the Appeal stands rejected at the SR stage.

(C.V.K.,J.) (K.R.S.,J.)
20-04-2026

sli

To

1. The I Additional District Judge,
Tiruvallur.

2. The Sub Registrar
Sub Registrar Office,
Poonamallee.

3. The Sub Registrar
Sub Registrar Office, Avadi.

4. The Sub Registrar
Sub Registrar Office,
Thiruvalangadu, Tiruthani Taluk.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

SLI

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