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CRP Nos. 5251 & 5418 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP Nos. 5251 & 5418 of 2025

And

CMP Nos. 26445 & 27278 of 2025

CRP No. 5251 of 2025:

S.M.Manivannan

..Appellant(s)

Vs

M/s.Bombay Burma Trading Corporation Ltd,
Rep by its Group Manager, Mudis- 642 117
Valpparai Taluk, Coimbatore District.

..Respondent(s)

CRP No. 5418 of 2025:

Nazar
rep.by his power of Attorney,
S.M.Manivannan, S/o.Muthusamy,
Shop No.25, Door No.15/161,
Mudis bazar, Mudis Post 642 117
Valparai Taluk, Coimbatore District.

..Appellant(s)

Vs

M/s.Bombay Burma Trading Corporation Limited
Rep. by its Group Manager,
Mudis Town 642 117
Valpparai Taluk, Coimbatore District.

..Respondent(s)

CRP No. 5251 of 2025

Civil Revision Petition has been filed under Section 115 of the
Code of Civil Procedure, to set aside the fair and decretal order 23.09.2025



made in IA.No.1 of 2023 in Unnumbered AS CFR No.5929 of 2023 in OS.No. 176 of 2012 on the file of the Sub Court, Pollachi by allowing this CRP.

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CRP No. 5418 of 2025

Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order 23.09.2025 made in IA No.1 of 2023 in unnumbered AS CFR No.3891 of 2023 on the file of the Sub Court, Pollachi by allowing this CRP.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.Srinath Sridevan
Senior Counsel
For Mr.S.Rajmakesh

COMMON ORDER

The Civil Revision Petitions have been filed challenging the dismissal of the applications under Section 5 of the limitation Act in preferring the First Appeals.

2. I have heard Mr.N.Manoharan learned counsel for the petitioners and Mr.Srinath Sridevan, learned Senior Counsel for Mr.Rajmakesh, learned counsel for the contesting respondent.

3. Mr.N.Manoharan, learned counsel for the petitioners would state that the delay of 115 days was not inordinate and had been sufficiently and satisfactorily explained. However, the Trial Court, without adopting a liberal



approach has non-suited the revision petitioners on the ground that they had not explained the delay for each and every day. The counsel therefore stated that the delay may be condoned to permit the petitioners to challenge the judgment and decree of the Trial Court in the First Appeal.

4. Per contra, Mr.Srinath Sridevan, learned Senior Counsel appearing for the respondent in both the revision petitions would submit that the revision petitioner in C.R.P.No.5251 of 2025 is the main troubleshooter who has set up various persons in order to prolong stay in the suit property, which absolutely belongs to the respondent. In fact, he would also point out that the revision petitioner in C.R.P.No.5251 of 2025 is the power agent of the revision petitioner in C.R.P.No.5418 of 2025. The learned Senior Counsel, further stated that the First Appellate Court rightly dismissed the applications for condonation of delay, finding that the petitioners have not made out sufficient cause. He therefore prays for the dismissal of the revision petitions.

5. I have carefully considered the submissions advanced on either sides and I have also gone through the relevant papers, including the impugned orders passed by the learned Sub-Court, Pollachi.

6. The petitioners having suffered decrees before the Trial Court, filed appeal suits with a delay of 115 days. The same has been sought to be condoned by invoking Section 5 of the limitation Act. In paragraph 4 of their affidavit, the



petitioners have stated that they lacked sufficient means to prefer the First Appeal and had initially approached the District Munsif Court for a rehearing. Consequently, time was lost and the appeal could not be filed in time.

7. Admittedly, the suits have been filed for declaration, recovery of possession and as well as for damages. The suits were decreed after hot contest. I do not find the delay of 115 days to be inordinate or unexplained. Under such circumstances, it would be just and proper to condone the delay and the petitioners are given liberty to challenge the judgment and decree of the Trial Court in their respective First Appeals. At the same time, the prejudice caused to the respondent/plaintiff on account of delay occasioned in preferring the First Appeals as to necessarily compensated by way of costs.

8. In fine, the Civil Revisions Petitions are allowed with the following directions,

1. The petitioners shall pay costs of Rs.5,000/- each to the respondent through counsel for the respondent before this Court, within a period of one week from the date of receipt of a copy of this order being uploaded.
2. Subject to the compliance of the conditional order in Clause 1 supra, the orders passed by the Subordinate Court, Pollachi in IA.No.1 of 2023 in Unnumbered AS CFR No.5929 of 2023 in OS.No. 176 of



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2012 and IA No.1 of 2023 in unnumbered AS CFR No.3891 of 2023 dated 23.09.2025 shall be set aside and the delay in preferring the appeals shall stand condoned.

3. The Appellate Court shall thereafter number the appeals and Endeavour to expedite the hearing, disposing the appeal suits on merits and in accordance with law, affording fair opportunities to both parties and dispose of the appeals within a period of four months from the date of completion of service.

No costs. Consequently, the Miscellaneous Petitions are closed.

18-02-2026

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

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To

The Sub Court, Pollachi.



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P.B.BALAJI J.

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