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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.7019 of 2026
and
C.M.P.No.30194 of 2026

CNR: {HCMA012544192026}

Case QR

Rathinasamy

..Petitioner

Vs

1. Senthilkumar
   S/o.Subramaniam

2. Ambikavathi
   S/o.Natarajan

3. Arumugam
   S/o.Ponnaiyan Chettiyar

4. Parimaladevi
   W/o.Sakthivel

5. The Managing Director,
   Barath Petroleum Corporation Limited,
   Bharathi Bhavan, Mumbai.

..Respondents

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order dated 09.06.2026 passed in I.A.No.l of 2024 in O.S.No.l94 of 2020 on the file of Sub-ordinate Judge, Dharapuram.

For Petitioner : Mr.K.Myilsamy

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ORDER

This civil revision petition has been filed under Section 115 of the Code of Civil Procedure against the order dated 09.06.2026 passed in I.A.No.1 of 2024 in O.S.No.194 of 2020 by the learned Sub-ordinate Judge, Dharapuram, wherein the application filed by first respondent/plaintiff in I.A.No.1 of 2024 in O.S.No.194 of 2020 under Section 5 of the Limitation Act seeking to condone the delay of 483 days in filing the petition to set aside the order of dismissal for default, came to be allowed by the Court below.

2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

3. The first respondent is the plaintiff, who filed the suit in O.S.No.194 of 2020 seeking the relief of declaration and permanent injunction. The suit was dismissed for default on 25.07.2022. Thereafter, with a delay of 483 days, the first respondent/plaintiff filed I.A.No.1 of 2024 in O.S.No.194 of 2020 under Section 5 of the Limitation Act seeking to condone the delay in filing the application to restore the suit. This application came to be allowed by the Court below. Aggrieved by the same, the petitioner/fourth defendant has filed the present revision before this Court.

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Order QR

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4. The main ground urged is that the affidavit filed in support of the application merely mentions about some ailment suffered by the first respondent/plaintiff without any supporting document and the Court below has mechanically allowed the said application and condoned the exorbitant delay.

5. In the considered view of this Court, the Court below, considering the nature of claim made by the first respondent/plaintiff and also the reason assigned for the delay, exercised its discretion in allowing the application. This Court does not find any perversity or illegality in the discretion exercised by the Court below warranting interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

Accordingly, the impugned order is sustained and this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10-11-2026

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

To
The Sub-ordinate Judge,
Dharapuram.

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N.ANAND VENKATESH, J.

gm

Civil Revision Petition No.7019 of 2026

10-11-2026

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