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CRP.No.5525 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:17.12.2025

Pronounced on:09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP.No.5525 of 2025
and CMP. No.27762 of 2025**

1.Madras Gymkhana Club,
Rep. by its President,
#1, Island Ground,
Anna Salai, Chennai – 600 002.

2.The President,
Madras Gymkhana Club,
#1, Island Ground, Anna Salai,
Chennai – 600 002.

3.The Secretary,
Madras Gymkhana Club,
#1, Island Ground,
Anna Salai, Chennai – 600 002.

Petitioner(s)

Vs

1.Dr.Vandana Parvez

2.The Vice President,
Madras Gymkhana Club,
#1, Island Ground, Anna Salai,
Chennai – 600 002.

3. The Sub-Secretary,
Gymkhana Golf Annexe,
Race Course Road,



Chennai -32.

4.The Golf Captain,
Gymkhana Golf Annexe,
Race Course Road,
Chennai-32

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in I.A. No.2 of 2025 in A.S.SR.No.11418 of 2024 dated 18.08.2025 on the file of the learned I Additional City Civil Judge at Chennai.

For Petitioners : Mr.B.Arvind Srevatsa

For Respondents : Ms.Vandana Parvez- Party-in-Person
No Appearance for R2 to R4.

ORDER

The defendants who were successful before the Trial Court in having the suit filed by the petitioners dismissed, are the revision petitioners. The present revision petition is directed against the order in I.A. No. 2 of 2025, condoning a delay of 33 days in preferring the First Appeal.

2. I have heard Mr.B.Arvind Srevatsa, learned counsel for the revision petitioner and Mrs.Vandana Parvez, party-in-person, first respondent.



3. Mr.B.Arvind Srevatsa, learned counsel for the revision petitioner would state that though the delay may not appear to be inordinate, being only 33 days, the respondent/plaintiff has not shown sufficient cause to explain the delay, but has also come to Court with a false case and therefore, the respondent did not deserve any indulgence, much less to an order condoning the delay of 33 days in preferring the First Appeal.

4. Mr.B.Arvind Srevatsa, learned counsel for the revision petitioner would take me through the averments in the affidavit filed in support of I.A.No.02 of 2025 and state that the reasons assigned in paragraph No.2 are not relevant to the period for which the delay has occasioned and it is only revolving around preferring of the first appeal. Pointing out to the date of the judgment of the Trial Court and the date on which the appeal came to be preferred before the First Appellate Court, Mr.Arvind Srevatsa would contend that the reasons set out in paragraph 2 of the affidavit are wholly irrelevant.

5. As regards averments in paragraph 3, he would contend that though the respondent claims that she had to pay a visit to see her ailing



sister in July 2024 and she was advised bed rest and not to travel, as the reasons for not preferring the appeal in time, he would point out to the filing of CMPs during the very same period of time in August 2024 in matters between third parties and the respondent. He would therefore state that even the reason assigned in paragraph 3 stands falsified and the First Appellate Court has, without noticing that no sufficient cause has been made out, proceeded to apply the test of liberal construction and condone the delay erroneously.

6. Per contra, Dr.Vandana Parvez, first respondent, party-in-person, states that the respondent has suffered two heart attacks, one in 2021 and again on 07.11.2023, for which she had to undergo Coronary Angioplasty procedure on 09.11.2023. The suit was disposed of by the Trial Court on 11.07.2024 and the respondent had applied for copies on 22.07.2024. Certified copies were made available to the respondent on 15.10.2024 and even on 17.10.2024, the respondent has filed AS.SR.No.11418 of 2025.

7. She would further state that it was only in November, 2024 that she had to travel to see her ailing sister who was residing in Nilgiris



District and she was unable to come back because of health setbacks while she was staying at Nilgiris and as soon as she came back to Chennai, she had collected the appeal papers from the appeal examiner and after complying with the returns, she has resubmitted the appeal papers on 03.04.2025. The first respondent would further state that she also moved IA.No.01 of 2025 for condonation of delay of 146 days in rectifying the defects. The said application has been allowed on payment of costs of Rs.1,000/-, which admittedly the respondent has also complied with. It is thereafter that I.A.No.02 of 2025 for condonation of delay of 33 days in filing the appeal was numbered.

8. The first respondent therefore contends that there is absolutely no willful inaction or deliberate delay on her part, in prosecuting the First Appeal and the First Appellate Court has rightly proceeded to condone the delay, finding the reasons assigned by the respondent to be sufficient and satisfactory. She would therefore pray for the revision being dismissed.

9. I have carefully considered the submissions advanced by the learned counsel for petitioner and the first respondent, party-in-person, as



well as the order of the First Appellate Court allowing the Section 5 application.

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10. The respondent, as plaintiff filed a suit against the revision petitioners in O.S.No.3737 of 2019. The suit was filed by the respondent as a party in person. After trial, the suit was dismissed by the Trial Court on 11.07.2024. However, the appeal was preferred with a delay of 33 days. Before the condone delay application was taken up, there was a further delay occasioned on account of representation, in respect of which I.A.No. 01 of 2025 was filed and the same was also allowed on payment of costs. The respondent has also deposited the costs and complied with the order, consequent to which the condone delay application was taken up by the First Appellate Court.

11. As rightly contended by the learned counsel for the petitioner, Paragraph No.2 does not in any way relate to the relevant period with which we are concerned, viz., the delay of 33 days in preferring the appeal as the decision of the Trial Court was rendered only on 11.07.2024. However, the respondent has asserted in paragraph No.3 of the affidavit that she left for the Nilgiris District to see her ailing sister on



16.07.2024, which is 5 days after the verdict of the Trial Court. She has further stated that she was not in a position to come back immediately because of unsettled cardiac angina and she was advised bed rest and also not to travel. It is under such circumstances, the respondent has stated that the delay of 33 days has occasioned in preferring the First Appeal.

12. In the counter affidavit filed by the revision petitioners, the main objection taken is that the respondent was actively participating in litigation before this Court, during the relevant point of time and therefore, it is absolutely false to contend that the petitioner was incapacitated to file the appeal in time. It is in this regard that reference is made to certain CMPs filed by the respondents before this Court in matters relating to third parties. However, the case details printed from the Madras High Court website do not lend strength to the said contention in the counter affidavit that the respondent has physically appeared before this Court and filed the applications. In fact, in reply, the first respondent party-in-person contended that these Miscellaneous Petitions were E-filed by the respondent and therefore, there is no falsity in her case projected before the Trial Court.



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13. The First Appellate Court has also considered the fact that the delay is not inordinate and the reasons assigned by the respondent are valid and also not malafide. Though it is pointed out by Mr.Arvind Srevatsa, that the First Appellate Court has not even applied its mind by observing that if the delay is not condoned, the petitioner's valuable and legitimate right, possession and enjoyment over the property would be defeated, was totally irrelevant and out of context for the simple reason that the suit was not filed in respect to any immovable property or any right or relief of possession thereof, but only in respect of membership with the petitioners' club, however, the inadvertent observation by the First Appellate Court, in my considered opinion is not fatal to the case of the respondent. The respondent has sufficiently and satisfactorily explained the delay in preferring the appeal. The delay is also only 33 days and by no stretch of imagination, it can be termed as inordinate. There is nothing brought on record to substantiate the allegation that the respondent appeared in person before this Court and filed various other cases. In such view of the matter, I do not see any grounds to interfere with the order of the First Appellate Court exercising discretion to confirm the delay of 33 days.



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14. In fine, there is no merit in the revision. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

09.01.2026

rkp
Neutral Citation Case : Yes/No
Internet: Yes/No
Index : Yes/No
To:
The I Additional City Civil Judge at Chennai.

P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP.No.5525 of 2025
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