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CRP No.6566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.04.2026

DELIVERED ON : 04.06.2026

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

CRP No.6566 of 2025

M.M.Babu,
S/o. Mani,
New Ramakrishana Lunch Home,
YMCA Building,
No.223, N.S.C. Bose Road,
Chennai-600 001.

...Petitioner

Vs.

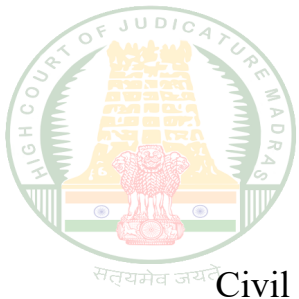
Young Men Christian Association,
Represented by their General Secretary P.Asir Pandian,
YMCA Building, No.223, N.S.C.Bose Road,
Chennai-600 001.

...Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 05.12.2025 in M.P.No.3 of 2025 in R.C.A.(SR).No.8334 of 2025 passed by the learned VII Judge, Small Causes Court at Chennai.

For Petitioner (s) : Mr.P.Sunil

For Respondent (s): Mr.V.R.Thangavelu



CRP No.6

ORDER

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Civil Revision Petition is filed challenging the order of M.P.No.3 of 2025 to condone the delay of 69 days in filing the R.C.A.Sr.No.8334 of 2025 passed by the VII Judge, Small Causes Court at Chennai.

2.The parties will be adverted to as per their ranking before the lower Appellate Court.

3.The gist of the facts necessary for disposal of the Civil Revision Petition are as follows:

The respondent filed R.C.O.P.No.1806 of 2013 against the judgement debtors for eviction. The Rent Control Court by its judgment and decree dated 16.07.2015, allowed the eviction petition. The judgment debtor preferred appeal in R.C.A.No.395 of 2015 challenging the eviction order and the same was allowed on 16.03.2017. The respondent aggrieved by the judgment and decree of the RCA, preferred Civil Revision Petition before this Court in CRP.Nos.2344 and 2345 of 2017 and the same was allowed on 02.12.2021, restoring the eviction order in R.C.O.P.No.1806 of 2013. Whiles, the respondent filed execution petition in E.P.No.275 of 2021 for execution of the eviction order on 22.03.2021. During the pendency of the execution petition, some settlement



CRP No.6

talks were undergone, which however did not fructify. The petitioner filed E.A.Nos. 2 and 3 of 2024 in E.P.No.275 of 2021, to implead himself in the EP and to recall the delivery order respectively. On 04.03.2025, both the E.As were dismissed. The petitioner preferred CRP.No.1652 of 2025, against the dismissal of E.A.No.2 of 2025 and the same was dismissed on 07.08.2025. Thereafter, on 02.04.2025, the respondent filed E.A.No.4 of 2025, for removal of obstruction made by the petitioner. The petitioner filed a counter and contested the EA which was finally allowed on merits on 19.08.2025. Thereafter, on 12.09.2025, the rented premises was delivered to the respondent by the bailiff. The petitioner thereafter filed petition under Order XXI Rule 99 of CPC and the same was dismissed on 17.09.2025, on the ground of maintainability. On the same day, E.P.No.275 of 2021 was terminated recording satisfactory delivery. Thereafter, on 22.09.2025, CRP.No.4639 of 2025 was filed by the petitioner challenging the dismissal of the petition under Order XXI Rule 99 of CPC. Immediately thereafter, on 24.09.2025, the petitioner filed R.C.A.Sr.No.8334 of 2025 along with the condone delay application. The petitioner filed M.P.No.1 of 2025 to condone the delay of 31 days in challenging the order in E.A.No.4 of 2025 dated 19.08.2025. M.P.No.1 of 2025, to condone the delay of 31 days in filing the appeal, was later withdrawn on the objection of the respondent that no reasons were assigned for the delay by filing M.P.No.2 of 2025. M.P.No.2 of 2025 was allowed with liberty to file a fresh petition.



CRP No.6

Thereafter, the petitioner filed M.P.No.3 of 2025, to condone the delay of 69 days in filing the appeal against the E.A.No.4 of 2025 dated 19.08.2025. The said petition was dismissed on 05.12.2025. Aggrieved by the dismissal of M.P.No.3 of 2025, the petitioner has filed above Civil Revision Petition.

4.The petitioner in support of the condone delay petition in M.P.No.3 of 2025 stated that he had handed over the papers to his counsel for filing the appeal, but to his shock and surprise, the appeal was not filed, despite assurance that it would be filed. The petitioner further stated that only on the day of eviction, he came to know that appeal was not filed by his counsel and therefore he lodged a complaint against the counsel before the Bar Council of Tamil Nadu and Puducherry and only thereafter filed the appeal. The petitioner further stated that due to uncertainty regarding the Court before which the appeal would lie, the case was repeatedly filed before different Courts which also contributed to the delay.

5.The respondent filed counter to the petition denying all the averments made in the petitioner's affidavit, apart from stating that the entire affidavit was devoid of particulars regarding the name of the counsel who filed the appeal and when the copy application was made and received. The respondent further stated that the details of the



CRP No.6

complaint given against the counsel before the Bar Council were not furnished and that the reasons stated in the present affidavit were contrary to the reasons stated in M.P.No.2 of 2025. The respondent therefore stated that the petition lacked merits and same deserved to be dismissed.

6.The learned counsel for the petitioner reiterated the submissions made in the affidavit in support of M.P.No.3 of 2025. The learned counsel submitted that the expression 'sufficient cause' should be considered in a pragmatic and justice oriented manner. The learned counsel relied on the following judgments in support of his submission that the litigant should not suffer for the fault on the part of counsel and that the liberal approach has to be adopted:

1) *Rafiq and Another vs. Munshilal and Another*, reported in (1981) 2 SCC 788.

2) *State of Nagaland vs. Lipok AO and Others*, reported in (2005) 3 SCC 752.

3) *Peruthikottai Village Welfare (Poduanala) Sangam by its President A.Singaravelu Manavalan and others vs. Palaniyandi Kandiar*, reported in (1969) 82 LW 445.

4) *Omkar Tradecomm LPP and Ors. vs. mayank Agarwal and Ors*, reported in 2024 (2) Cal HCN 506.



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7.The learned counsel for the respondent reiterated the submissions made in the counter to M.P.No.3 of 2025 and submitted that this Court sitting in revision under Article 227 of the Constitution of India, can interfere with the lower Courts order, only where there is jurisdictional error or patent perversity/ illegality in the order. The learned counsel also relied on certain judgments of the Hon'ble Supreme Court to contend that the delay cannot be condoned on equitable grounds and blaming the Advocates cannot be a reason for condoning the delay. The learned counsel therefore submitted that the Civil Revision Petition deserves no merits and liable to be rejected.

8.Heard both the learned counsels and perused the materials placed on record.

9.A perusal of the records would disclose that an earlier petition filed by the petitioner seeking condonation of delay did not contain any plausible or sufficient explanation for the delay. Hence an application was filed seeking withdrawal of the condone delay petition with liberty to file fresh petition on the ground that counsel failed to cite the reason that the bundle was misplaced. Thereafter the petitioner with the liberty of the Court, filed a fresh petition assigning altogether different reason namely, that the delay occurred due to the mistake and negligence of the counsel in failing to file the appeal within time. The learned Appellate Judge, on an elaborate consideration of



CRP No.6- - - - -

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the pleadings and materials on record, found that petitioner had taken inconsistent stand in the earlier and subsequent proceedings. The learned Judge further found that in the earlier proceedings, the reason assigned was misplacement of case bundle by the counsel, in the fresh petition the entire blame was shifted on the counsel alleging his failure to file the appeal in time. The Appellate Court found that shifting stand adopted by the petitioner clearly showed that the petitioner approached the Court with unclean hands. The Appellate Court was not inclined to exercise its discretion in favour of the petitioner, since it found the reasons for the delay to be uncertain, inconsistent and unsubstantiated. The lower Appellate Court found that the contention of the petitioner that the appeal was filed only after lodging the complaint against the counsel was false, since, the records revealed that the alleged complaint itself came to be lodged only after filing the appeal. The lower Appellate Court found that such conduct clearly disentitled the petitioner from invoking the discretionary jurisdiction of condoning the delay.

10.It is trite that a liberal approach may be adopted while considering the application for condonation of delay, however, the party seeking such indulgence must nevertheless establish substantial cause, bonafides and furnish a consistent, cogent and satisfactory explanation covering the entire period of delay. A litigant cannot be permitted to improve his case by shifting the reasons from stage to stage merely to

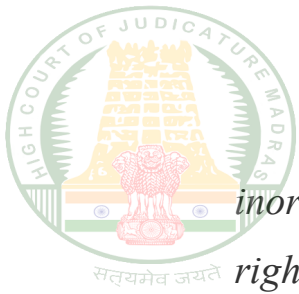


overcome the law of limitation.

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11. This Court has gone through the judgments relied on by the learned counsel for the petitioner and finds that the said judgments are not applicable to the facts of the case. The judgment of the Hon'ble Supreme Court in the case of **Rafiq and Another vs. Munshilal and Another**, reported in **(1981) 2 SCC 788** was considered by the Hon'ble Supreme Court in the case of **Salil Dutta v. T.M & M.C.Private Ltd.**, reported in **(1993) 2 SCC 185**, wherein it was observed that the observations made in Rafiq (AIR 1981 SC 1400) must not be understood as an absolute proposition. The Court observed that there was no absolute rule that a party can disown its own advocate and seek relief and no such absolute immunity can be recognised. The judgment of Hon'ble Supreme Court in the case of **Salil Dutta v. T.M & M.C.Private Ltd.**, reported in **(1993) 2 SCC 185** was followed in the **Rajneesh Kumar & Anr. Versus Ved Prakash**, the Hon'ble Supreme Court in its judgment dated 21.11.2024, held as follows:

“10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and



CRP No.6

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inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

The aforesaid judgment of the Hon'ble Supreme Court clearly establishes that by simply throwing the blame on the Advocate, a party cannot seek to have the delay condoned. The affidavit is bereft of the particulars of the advocate who is said to have been careless. Only in the complaint, the advocates name is disclosed.

12.Further, in the present case, it is clear that the petitioner took inconsistent stands and also made a false statement before the Court that he preferred a complaint against the advocate, even before filing the appeal. The fact of the matter is that only after the appeal was filed, the complaint was lodged. In the view of this Court, a litigant who approaches the Court seeking the discretionary relief of condonation of delay is expected to disclose all material facts with utmost contour and bonafides. The petitioner, instead of furnishing a truthful explanation, has chosen to make a demonstrably false averment in an attempt to mislead the Court and shift the entire blame onto his counsel. Such conduct of the petitioner clearly disentitles him to the discretionary and equitable relief.



CRP No.6

Under the facts and circumstances of this case, this Court finds no merit in the
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Civil Revision Petition and hence, the same is dismissed. No costs.

04.06.2026

Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No
Internet: Yes
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CRP No.6

WEB COPY

To
The VII Judge,
Small Causes Court, Chennai.



WEB COPY



CRP No.6566 of 2025

N.MALA,J.

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Order in CRP No.6566 of 2025

Order Pronounced on 04.06.2026