



C.R.P(MD)No.1648 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1648 of 2026

1.Jeevanantham
2.Geethakumari

.. Petitioners

Vs.

Ayyappan

.. Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 09.09.2025 made in I.A.No.1 of 2020 in O.S.No.61 of 2010 on the file of the Principal District Munsif, Padmanabhapuram.

For Petitioners : M/s Hishaam
For Respondent : Mr.C.Kishore

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ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking condonation of the delay of 1950 days in filing a petition to restore the suit, which had been dismissed for default.



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2.The petitioners had instituted the suit seeking the relief of permanent injunction. The said suit was dismissed for default on 16.10.2014. Thereafter, in the year 2020, the petitioners filed an application seeking restoration of the suit. Since there was a delay of 1950 days in filing the restoration petition, the petitioners also filed the application seeking condonation of the said delay. The trial Court, finding that no sufficient cause had been shown to condone such an inordinate delay, dismissed the application. Aggrieved by the said order, the petitioners have preferred the present Civil Revision Petition.

3. The learned counsel appearing for the petitioners submitted that the suit was originally filed through one Advocate, namely, G.Venkatachalam. Subsequently, the petitioner collected the case papers from the said counsel and entrusted the matter to another Advocate, namely, T.Veludhas. It is the case of the petitioner that the second counsel failed to conduct the case properly. Thereafter, the petitioner again approached the earlier counsel, who, on verification, informed him that the suit had already been dismissed for default on 16.10.2014. Immediately thereafter, the petitioners took steps to restore the suit by filing the present applications.



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4. A perusal of the affidavit filed in support of the petition reveals that the petitioner had collected the case papers from his first counsel in the year 2014 and handed them over to the second counsel. According to the petitioner, the second counsel failed to file a vakalat before the trial Court, and this fact came to his knowledge only upon verification in the year 2020.

5. The explanation offered by the petitioners cannot be accepted. Having entrusted the case to a second counsel, the petitioners did not make any attempt to verify whether the said counsel had entered appearance or was prosecuting the matter. The petitioners have not taken any steps for nearly six years. The reasoning given by the petitioners that again they approached the earlier Counsel from whom they received the papers and got the status of the case is also not believable. The petitioner failed to give any convincing reason for their failure to keep track of the matter for nearly six years, and the trial court rightly pointed out that slackness on the part of the petitioner and dismissed the condone delay petition.

6. The petitioner has not made out any sufficient cause for condoning the inordinate delay of 1950 days in filing the restoration



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petition. I do not find any illegality or irregularity in the order passed by the trial Court warranting interference by this Court.

7. Accordingly, the Civil Revision Petition stands dismissed. No costs.

29.06.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

To

1. The Additional District Court, Kuzhithurai,
Kanyakumari District.
2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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