



CRP(MD). No.179 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.179 of 2026

M.Ganesan

... Petitioner

Vs

1.The General manager
State Bank of India
Keelaveli Veethi Branch
Madurai.

2.M.A.Badhusha

3.Najima Begum

4.Basheer

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of Code of Civil Procedure Code, to call for the records relating to the fair and decretal order dated 06-11-2025 made in E.A.No.1 of 2024 in E.A.No. 163 of 2012 in E.P.No.143 of 2007 in O.S.No.682 of 1994 on the file of the learned I Additional Subordinate Court, Madurai and set aside the same.

For Petitioner : Mr.T.Antony Arulraj



CRP(MD), No.179 of 2026

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ORDER

This Civil Revision Petition has been filed challenging the order dated 06-11-2025 made in E.A.No.1 of 2024 in E.A.No.163 of 2012 in E.P.No.143 of 2007 in O.S.No.682 of 1994 on the file of the learned I Additional Subordinate Court, Madurai.

2.The petitioner is a third party to the suit in O.S.No.682 of 1994. The first respondent is the plaintiff in O.S.No.682 of 1994 on the file of the Subordinate Court, Madurai. The suit was filed to direct the defendants to pay a sum of Rs.69,311.40/- to the first respondent bank jointly or severally along with other reliefs.

3.After the judgment and decree was pronounced, the petitioner/auction purchaser filed E.A.No.163 of 2012 in E.P.No.143 of 2007 in O.S.No.682 of 1994 for possession of the subject property. The said application was dismissed for default on 14.07.2014. Subsequently, after a period of 10 years, the petitioner filed the present application, namely, E.A.No.1 of 2024, to restore the application in E.A.No.163 of 2012, which was dismissed for default on 14.07.2014, by condoning the delay of 3465 days. The said



CRP(MD). No.179 of 2026

application was also dismissed on 06.11.2025. Challenging the same, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that when the case was taken up for hearing on 14.07.2014 before the Court below, the counsel appointed by the petitioner has not appeared due to his personal inconvenience, as a result of which, the above Execution Application was dismissed for default on the same day itself.

5.The reason assailed by the petitioner to condone the delay of 3465 days is that the aforesaid dismissal order has not been informed by the counsel to the petitioner immediately and due to COVID-19 pandemic, he could not able to meet his counsel regularly. Only on 25.12.2023, when the petitioner met the counsel, he came to know that the above Execution Application was dismissed for default and immediately thereafter, the petitioner has filed the present application. He would further submit that delay is neither willful nor wanton and unless the present application is ordered, he will be put to irreparable loss and hardship. Hence, he prays for appropriate orders.



CRP(MD), No.179 of 2026

WEB COPY 6. Heard the learned counsel for the petitioner.

7. The point that arises for consideration in this petition is whether the delay of 3465 days to restore the application in E.A.No. 163 of 2012 on file before the Court below has been properly explained.

8. This Court has perused the entire records. From the perusal of the same, it is seen that even though the application in E.A.No.163 of 2012 was dismissed for default on 14.07.2014, the petitioner has filed the present application only in the year 2024 itself, nearly after a period of 9 years, for which, except for a vague plea of ignorance, there is absolutely no proper explanation forthcoming for the enormous delay of more than 9 years. The reasons assigned are neither convincing nor sufficient to condone such inordinate delay.

9. In view of the above discussion, this Court finds no infirmity in the order passed by the Court below. Accordingly, the Civil Revision Petition is dismissed.



CRP(MD), No.179 of 2026

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Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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06.02.2026

To

The I Additional Subordinate Judge, Madurai



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CRP(MD). No.179 of 2026

N.SENTHILKUMAR, J.

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CRP(MD). No.179 of 2026

06.02.2026