



CRP(MD). No.478 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.478 of 2023

Rajagopal

... Petitioner

Vs

Kamatchi (Died)

Rengaraju (Died)

1.Sellammal

2.Sridevi

3.Balakrishnan

4.Suresh

5.Perumal

6.Dhanam

7.Rajeswari

8.Janaki

... Respondents



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PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the learned Subordinate Judge, Thuraiyur in I.A.No.231 of 2019 in ASSR No.999 of 2019, dated 03.11.2022.

For Petitioner : Mr.C.Senthilkumar

For R1 : Mr.Raguvaran Gopal

ORDER

This Civil Revision Petition has been filed challenging the order dated 03.11.2022 passed in I.A.No.231 of 2019 in ASSR No.999 of 2019 on the file of the learned Subordinate Judge, Thuraiyur.

2. The learned counsel appearing for the revision petitioner submitted that the learned counsel, who was representing the petitioner before the trial Court, namely Mr.Singhan, passed away during the COVID period and that the petitioner was not aware of his demise. Consequently, the petitioner could not contact the said counsel or take appropriate steps in the proceedings. Due to the said unforeseen circumstance, there was an inordinate delay of 1613 days in pursuing the



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matter.

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3. Per contra, the learned counsel appearing for the respondents submitted that no cogent or sufficient reason has been assigned by the revision petitioner to condone such a long delay.

4. This Court has considered the submissions made on either side. When it is brought to the notice of this Court that the learned counsel, who was handling the petitioner's case, had passed away during the COVID period and that the petitioner was unaware of the same, the said reason constitutes a sufficient cause for the delay. The litigant cannot be made to suffer for circumstances beyond his control, particularly when the delay occurred due to the demise of his counsel.

5. In such circumstances, this Court is inclined to condone the delay, subject to payment of costs. Accordingly, this Civil Revision Petition is allowed, subject to the condition that the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) as costs to the credit of the Madurai Bench of Madras High Court Advocates Welfare Fund,



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bearing A/c No.7087208431, Indian Bank, High Court Branch, Madurai

Bench of Madras High Court Campus, Madurai, IFSC Code:

IDIB000H040, within a period of three weeks from the date of receipt of

a copy of this order. On such payment, the learned Sub Judge, Thuraiyur,

is directed to number the appeal filed by the petitioner. No costs.

Speaking : Yes / No

22.01.2026

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

Indu

To

1.The learned Subordinate Judge, Thuraiyur.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

3. Madurai Bench of Madras High Court
Advocates Welfare Fund.

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N.SENTHILKUMAR, J.

Indu

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