



C.M.P(MD).No.2795 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.M.P(MD).No.2795 of 2026

in

C.R.P.(MD)SR.No.16590 of 2026

K.N.Arvind

... Petitioner

vs.

1.S.Natesh Gowtham

2.M.Jaya Sudha Mohan

3.S.Sujatha

4.J.Shoba

5.K.Nalini

... Respondents

PRAYER in C.M.P.(MD)No.2795 of 2026: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 357 days in filing the present petition.

PRAYER in C.R.P.(MD)SR.No.16590 of 2026: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to allow the Civil Revision Petition and set aside the fair and decreetal order dated 30.10.2024 made in Tr.O.P.No.189 of 2023 on the file of the Principal District Court, Tirunelveli.

For Petitioner : Mr.S.A.Iniyavan Abdulla
For M/s.Ajmal Associates

For R-1 : Mr.G.Aravinthan



C.M.P(MD).No.2795 of 2026

ORDER

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Heard Mr.S.A.Iniyavan Abdulla, for M/s.Ajmal Associates, for Civil Revision Petitioner and Mr.G.Aravinthan for 1st respondent.

2. It is represented that Respondents 2 to 5 remained ex parte in the original proceedings in T.R.O.P. No. 189 of 2023 on the file of the Principal District Court, Tirunelveli. A memo has been filed seeking to dispense with notice. The said memo is ordered accordingly.

3. This Civil Revision Petition challenges the order of dismissal in Tr.O.P.No.189 of 2023, on the file of the Principal District Court at Tirunelveli, dated 30.10.2024. The petitioner states that the copy was made ready on 09.12.2024 and taken delivery on the same date. The petitioner further states that, on account of severe health issues, he was travelling between Tirunelveli and Chennai and hence, could not contact his Counsel to file the revision immediately.

4. Mr.G.Aravinthan, who represents the 1st respondent stoutly opposes the application for condonation of delay. He states that the reason for delay has not been substantiated by providing any medical certificate. As the delay has not been explained, he requests this Court to dismiss this petition.



C.M.P(MD).No.2795 of 2026

5. I have carefully considered the submissions of both sides.

I have gone through the records.

6. Between the parties, 3 proceedings are pending. The petitioner pleads that he was sick and therefore has to take treatment at Chennai. The petitioner is a permanent resident of Thisayinvilai, which is several hundred kilometers away from Chennai. When a person is sick, it would be unreasonable to expect him to travel and meet his Counsel and give instructions, rather than taking care of his health. At the same time, as Mr.G.Aravinthan and his client have been put to some difficulty. Hence, to balance the interest of both the parties, the delay can be condoned on terms.

7. C.M.P.(MD)No.2795 of 2026 stands ordered on the condition that the petitioner pays a sum of Rs.3,000/- (Rupees Three Thousand only) to the counsel for respondent within two weeks from today. In case, the cost is not paid, the CMP shall stand rejected without further notice to this Court.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

24.03.2026



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C.M.P(MD).No.2795 of 2026

V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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24.03.2026