



C.M.P(MD).No.2677 of 2019

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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.2677 of 2019

in

Rev.AplC(MD)SR.No.8031 of 2019

Arunachalam

... Petitioner

vs.

Nagarajan

... Respondent

PRAYER in C.M.P.(MD)No.2677 of 2019: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 398 days in filing the Review Application against the order dated 19.12.2017 in C.R.P.(NPD)(MD)No.1107 of 2008.

PRAYER in Rev.APLC(MD)SR.No.8031 of 2019: Review Application filed to review the order dated 19.12.2017 in C.R.P.(NPD)(MD)No. 1107 of 2008.

For Petitioner : Ms.A.L.Ganthimathi
Senior Counsel
For Mr.C.Mahadevan

For Respondent : Mr.B.Jameelarasu

ORDER

This is an application filed for condonation of 398 days delay in filing the review application in C.R.P.(NPD)(MD)No.1107 of 2008,



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dated 19.12.2017. This Court had ordered notice in the condone delay application. Mr.B.Jameel Arasu had entered appearance on behalf of the respondent.

2. Pursuant to the orders passed by the Hon'ble Administrative Judge on 07.01.2025, the Civil Miscellaneous Petition and the connected C.R.P(MD)No.645 of 2023 were listed together for hearing.

3. I heard Ms.AL.Ganthimathi, learned Senior Counsel for Mr.C.Mahadevan for the Petitioner and Mr.B.Jameelarasu for the Respondent.

4. Ms.AL.Ganthimathi, submits that pursuant to the orders passed by this Court on 19.12.2017, the decree holder/Civil Miscellaneous Petitioner presented E.P.No.279 of 2020 on the file of the Principal District and Sessions Judge at Pudukkottai. It was during the course of the said EP that the party came to know that C.R.P.(NPD)(MD)No.1107 of 2008 was dismissed on 19.12.2017. The petitioner was not aware of the dismissal. Thereafter, he had filed this petition to condone the delay.

5. Mr.B.Jameelarasu states that after the dismissal of the revision on 19.12.2017, the decree holder took a chance and filed



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another execution petition. Today, the decree holder is attempting to ride two horses at the same time, one challenging the order passed by the executing Court on 13.07.2022 and second, seeking review of the order dated 19.12.2017. Hence, he pleads that the condonation of delay petition may be dismissed.

6. I have carefully considered the submissions of both sides and gone through the records.

7. The delay in filing the petition is not enormous. It is about 400 days. A party does not usually appear before the Court at the time of disposal of a revision. He or she depends upon the counsel who has been engaged for the said purpose. If the counsel does not inform the party of the disposal of the revision, as stated by the petitioner in paragraph No. 10 of the affidavit, the petitioner would be under the impression that the matter is still pending. Under such circumstances, it is plausible that he came to know about the dismissal only when he presented E.P. No. 279 of 2020 on the file of the Principal District and Sessions Judge at Pudukkottai.

8. Insofar as the plea of Mr.Jameel Aasu that the petitioner is attempting to have the order in CRP(MD)No.1107 of 2008 reviewed while simultaneously challenging the order of the Executing Court in



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E.P.No.279 of 2020 dated 13.07.2022 is concerned, the same can be considered when the review comes up for admission. The delay being 400 days, and as the judgment-debtor has been constrained to engage counsel to oppose the application, interests of justice require that the rights of both parties be balanced. Hence, the petitioner shall pay costs of Rs. 4,000/- (Rupees Four Thousand only) to Mr.Jameel Aasu within two weeks from the date of uploading of this order on the website of this Court, as a condition for condoning the delay. In case the costs are not paid within the said period of two weeks, the CMP shall stand dismissed without further notice to this Court.

9. Call the matter along with C.R.P.(MD)No.645 of 2023 after two weeks (17.04.2026).

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Nsr

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