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CMP(MD) NO. 3979 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26-03-2026**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

CMP(MD) NO. 3979 of 2026

IN

CRP(MD) SR NO. 20998 OF 2026

N.Arumugam

Petitioner(s)

Vs

1. Sri Viswalam Chit Fund Limited,
at 35A, West Car Street,
Ambasamudram,
Tirunelveli District,
Rep. by its Authorized Officer,
Mr.Kannan.

2. M.Gomthinayagam

V.Kumaresan (Died)

3. Parvathi

4. Velayutham

5. Balasubramaniyan

Respondent(s)

For Petitioner(s):

Mr.S.Sathyachidambaram

For Respondent(s):

Mr.Sudalayandi

Prayer:

To condone the delay of 1234 days in filing the Civil Revision Petition against the petition and order in E.P.No.56 of 2021 on the file of the learned Sub Court, Ambasamudram in C.F.C.No.6 of 2019 on the file of the Deputy Registrar of Chits, Cheranmahadevi, Tirunelveli District, dated 01.07.2022.



ORDER

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Heard Mr.S.Sathyachidambaram, learned counsel for the petitioner and Mr.S.Sudalayandi, learned counsel for the respondents.

2. This is an application to condone the delay of 1234 days in filing the civil revision petition. The revision challenges the order passed by the learned Subordinate Judge at Ambasamudram in E.P.No.56 of 2021 in C.F.C.No.6 of 2019 dated 01.07.2022.

3. The first respondent is a chit fund. The petitioner had availed chits from the first respondent. He defaulted in repayment. Hence, the first respondent initiated proceedings before the Deputy Registrar of Chits in C.F.C.No.6 of 2019. The Deputy Registrar of Chits, Cheranmahadevi, Tirunelveli District allowed the petition as prayed for on 26.12.2020. Despite the decree having been passed, the civil revision petitioner did not honour the same. Being left with no other option, the first respondent, now in the position of a decree holder, initiated execution proceedings.

4. It is the plea of Mr.S.Sathyachidambaram that the execution proceedings have reached the stage of sale. He pleads that this is the only residential property available with the petitioner and if the property is sold, he will be put to irreparable loss and prejudice.

5. Rebutting the above contention, Mr.Sudalayandi states that the decree holder has been made to run from pillar to post to recover the amounts, which it is rightfully entitled to. On account of the recalcitrance of the judgment



debtor, the first respondent had to present as many as three execution petitions. He states that there is no reason given in the affidavit and the plea of Mr.Sathyachidambaram is one made at the fag end of the day and does not deserve any consideration.

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

7. The facts narrated above show that the petitioner is a judgment debtor. He moved this Court in a desperation to save the roof over his head. It is true that no acceptable reason has been given in the affidavit in support of the condonation of delay application. Yet, I am inclined to come to the rescue of the petitioner, as the claim of the first respondent, is only one for money. If the property were to be sold, it will only lead to another round of litigation. At the same time, I should not forget that the decree holder had been empowered with the decree at least six years ago. He is yet to see the colour of the coin. Hence, I am of the view that the delay in filing the revision can be condoned on the condition that the petitioner pays a sum of Rs.2,00,000/- within a period of one (1) week from today. Payment of Rs.2,00,000/- will be received by the decree holder toward the part satisfaction of the decree. The other aspects can be gone into at the time of taking up the main revision.

8. Accordingly, the Civil Miscellaneous Petition is allowed on the condition that the petitioner pays a sum of Rs.2,00,000/- (Rupees Two Lakhs only) on or before 02.04.2026. In case the amount is not paid, the Civil Miscellaneous Petition will stand rejected without further notice to this Court.



9. The learned Subordinate Judge at Ambasamudram is requested to defer the auction sale in E.P.No.56 of 2021 till 07.04.2026.

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10. Post the matter on 06.04.2026.

26-03-2026

Lm

To

1.The Sub Court,
Ambasamudram.

2.The Deputy Registrar of Chits,
Cheranmahadevi, Tirunelveli District.