



CRP(MD). No.332 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.332 of 2026

Vaikunda Raja

... Petitioner

Vs

Brintha

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order in I.A.No.06 of 2022 in H.M.O.P.No.16 of 2018 on the file of the learned Subordinate Judge, Valliyoor, Tirunelveli District, dated 31-03-2023.

For Petitioner : Mr.B.Praveen Kumar

ORDER

This Civil Revision Petition has been filed challenging the fair and decretal order dated 31.03.2023 passed in I.A. No.06 of 2022 in



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H.M.O.P. No.16 of 2018 on the file of the learned Subordinate Judge, Valliyoor, Tirunelveli District, whereby the petition filed for condonation of delay of 142 days was dismissed.

2. The trial Court dismissed the application on the ground that no proper explanation was offered for the delay of 142 days in representing the restoration petition, which arose after the H.M.O.P. No.16 of 2018 was dismissed for default on 25.03.2022. The trial Court further held that no *prima facie* reasons were made out and that the petitioner had not furnished sufficient particulars, including details relating to H.M.O.P. No.119 of 2017 filed by the respondent/wife for restitution of conjugal rights.

3. The learned counsel for the petitioner submitted that the petitioner had appeared before the trial Court on 06.11.2021 and had produced documents, but the matter could not proceed further. It is further submitted that the petitioner, due to the nature of his employment, was working abroad and was unable to return to India due to the



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COVID-19 pandemic and the resultant travel restrictions. According to the petitioner, he returned to India only on 09.09.2022 and upon enquiry, came to know that the matter had been dismissed for default on 25.03.2022. Hence, the delay in representation occurred for reasons beyond his control.

4. Per contra, the learned counsel for the respondent submitted that each day's delay ought to have been properly explained and that the petitioner has failed to establish sufficient cause for condonation of delay.

5. Considering the facts and circumstances of the case, this Court finds that the petitioner was working abroad during the relevant period and was unable to return to India due to the COVID-19 pandemic and travel restrictions. The explanation offered for the delay appears to be reasonable and constitutes sufficient cause. In such circumstances, the trial Court ought to have adopted a lenient approach while considering the application for condonation of delay.



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6. Accordingly, the order dated 31.03.2023 passed in I.A.No.06 of 2022 in H.M.O.P. No.16 of 2018 is set aside and the delay of 142 days is condoned. Hence, this Civil Revision Petition is allowed. No costs.

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

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To

The learned Subordinate Judge,
Valliyoor, Tirunelveli District.



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N.SENTHILKUMAR, J.

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