



CRP(MD). No.367 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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1.Shanmugam

Pushpavalli (deceased)

2.R.Punitha

3.J.Kavitha

4.S.Vani

... Petitioners

Vs

K.N.Ganesan (Died)

1.Savithri

2.Selvaraj

3.Suguna

4.Abirami

5.The Assistant Commissioner
K.Abisekapuram Zone
Tiruchirappalli City Corporation
Cantonment
Tiruchirappalli - 01.

... Respondents

PRAYER :-Civil Revision Petition filed under 115 of Civil Procedure Code, to set aside the Fair and Decretal order dated 16.04.2025

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made in IA No.237 of 2018 in CMA SR No.8536 of 2018 on the file of the Principal District Judge, Tiruchirappalli.

For Petitioners : Mr.Mohammed Yunnis Raja for
Mr.R.Alagumani

For R1 to R3 : Mr.C.Venkateswaran

For R4 : Mr.V.V.Sathya for
Mr.S.Vellaichamy

ORDER

This Civil Revision Petition has been filed challenging the order, dated 16.04.2025, made in I.A.No.237 of 2018 in CMSA.SR.No.8536 of 2018 on the file of the Principal District Judge, Tiruchirappalli.

2.The first petitioner and one Pushpavalli, who is now no more, are the plaintiffs in O.S.No.710 of 2001 on the file of the I Additional Sub Court, Tiruchirappalli. The suit was filed for the relief of specific performance along with other reliefs. The suit was dismissed for default on 28.03.2013. Subsequently, the plaintiffs filed an application in I.A.No.1020 of 2014 for restoration of the suit and the same was dismissed on 28.06.2017. Challenging the same, the petitioners herein preferred an appeal along with the delay condonation application in I.A.No.237 of 2018 in CMA.SR.No.8536 of 2018. I.A.No.237 of 2018 had been filed to condone the delay of 217



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days in preferring the appeal against the order passed in I.A.No.1020 of 2014, dated 28.06.2017. However, the same was dismissed by the Court below, vide order dated 16.04.2025, stating that there is no valid reason to condone the delay. Challenging the same, the present Civil Revision Petition has been filed.

3.The main reason assailed by the learned counsel for the petitioners to condone the delay of 217 days is that due to old age ailments, the first petitioner/first plaintiff was hospitalized and from the month of May to July, he was suffering from psychiatric issues, for which, he was undergoing treatment and medications continuously under the Psychiatric Doctor. After recovery only, he came to know about the dismissal of the suit through his counsel. Hence, the delay. He would therefore pray for appropriate orders.

4.The learned counsel for the respondents submit that the suit was dismissed on the ground that the plaintiffs called absent on 28.03.2013 and the application to condone the delay of 217 days in filing an appeal is filed nearly after a period of 5 years from the date of the decree before the trial Court. Therefore, the trial Court has rightly



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dismissed the application and hence, there is no reason to interfere with the orders of the trial Court.

5.This Court considered the rival submissions and perused the materials placed on record.

6.The only point that arises for consideration by this Court is whether the delay of 217 days in filing an appeal is liable to be condoned.

7.It is the case of the petitioners that the first petitioner/first plaintiff was unable to effectively prosecute the matter on account of illness and that he had undergone treatment in a hospital. However, despite taking such a plea, the first petitioner has not produced any acceptable evidence, such as medical records, prescriptions, discharge summaries, or any other supporting documents, to establish that he was in fact suffering from any serious ailment or that he was undergoing continuous treatment during the relevant period. In the absence of such material evidence, the plea of illness remains a bald and unsubstantiated assertion.



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8. On the other hand, the conduct of the first petitioner in not diligently prosecuting the case and in seeking to protract the proceedings without sufficient cause cannot be countenanced by this Court. The Court below, having considered the entire circumstances and has rightly refused to grant the relief sought by the petitioners. This Court finds no illegality, irregularity, or perversity in the order passed by the Court below warranting interference under its Revisional jurisdiction. In such circumstances, this Court is of the view that the petitioners have not made out any valid or sufficient ground for interference.

9. In fine, the Civil Revision Petition stands dismissed. No costs.

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

The Principal District Judge, Tiruchirappalli.

N.SENTHILKUMAR, J.



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