



CRP(MD). No.3773 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 23/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.3773 of 2025

Karthikeyan

... Petitioner

Vs

1. Gandhimathi
2. Raveendran
3. Vjayalakshmi
4. Jeyaprakash
5. Ashok

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District Court, Madurai to allow the restoration petition in IA No.1 of 2025 in IA No.335 of 2023, consequentially allow the condone delay petition in IA No.335 of 2023 and take the first appeal filed by the respondent 1 to 3 on file and transfer the same to the file of the Fourth Additional District Court, Madurai to be tried along with the appeal in AS No.8 of 2023 filed by the fourth respondent.

For Petitioner : Ms.B. Sakthi Baratha Rani
for Mr. J. Barathan

For Respondents : Mr.P. Vijay Raghavan – R1 to R3
Mr.Akash Pothish – R4
Ms.A. A.Elamathi – R5
(legal aid counsel)



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ORDER

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This Civil Revision Petition has been filed seeking a direction to the Principal District Court, Madurai, to allow the restoration petition in I.A. No. 1 of 2025 in I.A. No. 335 of 2023 and consequently to allow the petition for condonation of delay in I.A. No. 335 of 2023, to take the first appeal filed by respondents 1 to 3 on file and to transfer the same to the file of the IV Additional District Court, Madurai, to be tried along with A.S. No. 8 of 2023 filed by the fourth respondent.

2. The learned counsel appearing for the revision petitioner submitted that the matter is pending before the Execution Court for payment of batta to the respondents.

3. It is further submitted that as against the ex parte judgment and decree passed in O.S. No. 723 of 2010 dated 25.11.2015, the fourth respondent had earlier filed C.R.P.(MD) No. 141 of 2017, which was dismissed by this Court on 20.06.2017. Thereafter, the fourth respondent preferred SLP (C) No. 767 of 2018 before the Hon'ble Supreme Court,



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which, by order dated 04.05.2018, allowed the same and remitted the matter to the trial Court. Subsequently, the suit came to be decreed.

4. Challenging the said decree, respondents 1 to 3 preferred an appeal with a delay of 29 days and filed I.A. No. 335 of 2023 to condone the delay. However, the said application was dismissed for default on 24.02.2025. Thereafter, a restoration petition in I.A. No. 1 of 2025 was filed, which also came to be dismissed by the trial Court. Aggrieved by the same, the present Civil Revision Petition has been filed.

5. The learned counsel for the respondents has no serious objection for condoning the delay of 29 days in filing the appeal.

6. Considering the facts and circumstances of the case and the short duration of delay, this Court is of the view that the delay deserves to be condoned in the interest of justice. Accordingly, the order passed by the trial Court dismissing the restoration petition in I.A. No. 1 of 2025 in I.A. No. 335 of 2023 is set aside. Consequently, the restoration



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petition in I.A. No. 1 of 2025 is allowed and I.A. No. 335 of 2023 is restored to file. The trial Court is directed to consider and dispose of the condone delay petition on merits and in accordance with law. Upon such condonation, the appeal shall be taken on file and proceeded with in the manner known to law.

7. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

8. This Court places on record its appreciation for the assistance rendered by the learned Legal Aid Counsel appearing for the 5th respondent, Ms. A. Elamathi and Mr.J. Aakash Pothish for the 4th respondent. The High Court Legal Services Committee attached to this Bench is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each towards remuneration to the said counsels for conducting the cases within a period of two weeks from the date of receipt of a copy of this order.



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9. The Registry is directed to forward a copy of this order to the
Legal Services Committee for necessary action.

23.02.2026

TRP

Index : yes/ no

Internet : yes / no

TO

1. The Principal District Court, Madurai
2. The Additional District Court, Madurai



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N. SENTHILKUMAR,J

TRP

ORDER
IN
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Date : 23/02/2026