



CMP(MD) No.19656 of 2025 in Rev.AplC(MD) SR.No.103252 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated 02.02.2026

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CMP(MD) No.19656 of 2025

in Rev.AplC(MD) SR.No.103252 of 2025

1.Dhanalakshmi

2.Karunanithi

... Petitioners

Vs.

1.Janaki, S/o Senguttuvan

2.Senguttuvan, S/o (Late) Arumugam

3.Thiyagarajan, S/o Marimuthu

.... Respondents

Prayer:-This Civil Miscellaneous Petition(MD) No.19656 of 2025 is filed under Section 5 of the Limitation Act, 1963, to condone the delay of 1,335 days in preferring the review petition before this Court.

This Review Petition (MD)SR.No.103252 of 2025 is filed under Order XLVII Rules 1 and 2 and Section 114 of C.P.C. to review the order passed in C.R.P(MD) No.2062 of 2012 confirming the judgment and decree passed in A.S.No.103 of 2010 on the file of on the file of the Additional Subordinate Court, Thanjavur , dated 28.06.2011 confirming the judgment and decree passed in O.S.No.37 of 2007 on the file of the District Munsif Court, Thiruvaiyaru dated 23.04.2010 and to allow the review petition.

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For petitioners : Mr.K.P.Ramesh

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ORDER

Civil Miscellaneous Petition (MD) No.19656 of 2025 is filed to condone the delay of 1,335 days in preferring the review petition before this Court.

2.The first petitioner has filed a suit in O.S.No.110 of 2006 before the District Munsif Court, Thiruvaiyaru, against the respondents for permanent injunction restraining the respondents from interfering with the peaceful possession and enjoyment of the suit property and for mandatory injunction to remove the trees present in the respondents' property and the said suit was decreed in favour of the first petitioner.

3.The respondents filed O.S.No.37 of 2007 on the file of District Munsif, Thiruvaiyaru seeking damages. The trial Court having found that the respondents/plaintiffs were in cultivation of the lands in S.No.102/5-B, held that they have failed to prove that the lands in survey No.102/5-A was



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also not cultivated by them. However, based on the evidence of P.W.3, Assistant Agricultural Officer, the Trial Court fixed the compensation as Rs. 4,940/- with interest at 6% per annum with costs and partly decreed the suit on 23.04.2010. Challenging the said decree, the petitioners herein filed an appeal in A.S.No.103 of 2010 on the file of Additional Subordinate Court, Thanjavur. The Appellate Court, having found that the petitioners repeatedly destroyed the water channel and prevented the respondents from doing cultivation, dismissed the appeal on 28.06.2011. Seeking to set aside the judgment and decree made in A.S.No.103 of 2010 dated 28.06.2011, the petitioners have filed C.R.P.(MD) No.2062 of 2012 and this Court, by an order dated 03.08.2021, dismissed the same. Seeking to review the aforesaid order dated 03.08.2021, the present Review Petition has been filed.

4.Learned counsel for the petitioners would submit that the respondents had filed E.P.No.1 of 2022 in O.S.No.37 of 2007 for attachment of the petitioners' movable properties, wherein the petitioners had filed E.A.No.5 of 2022 to stay the said execution petition. The said application was dismissed and the said execution proceedings stood posted to 05.12.2025 for attachment of movable properties. Learned counsel for the

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petitioners would further submit that the petitioners, being illiterates and having been inadequately guided by their erstwhile counsel, were unaware of their right to file a review petition and that only recently, they have come to know of the same and as such, the delay is neither willful nor wanton and seek to condone the delay.

5.Heard the learned counsel for the petitioners and perused the documents available on record.

6.The crux of the petitioners' case as stated in the present review petition is that the petitioners, despite having valid documents to substantiate their claim, they were unable to do so, being illiterates without an iota of knowledge about the court proceedings and also owing to the poor guidance from their erstwhile counsel. The delay of 1,335 days too, arises out of the same contention. However, a perusal of the affidavit filed before this Court, in support of the petition seeking to file additional evidence before the trial court, goes to show that the petitioners have failed to state sufficient reasons to substantiate their claims. That apart, there is no



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disclosure as to how the petitioners were prevented from producing the said documents, despite due diligence and as such, the grounds raised seeking to condone the delay of 1,335 days also, do not have legs to stand. On the issue as to when a review petition is maintainable, useful reliance can be placed on the judgment of the Hon'ble Apex Court in ***Kamlesh Verma v. Mayawati***, ((2013) 8 SCC 320), the relevant portion of which runs thus:

“20.1. When the review will be maintainable:

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

The words “any other sufficient reason” have been interpreted in *Chhajju Ram v. Neki* [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poullose Athanasius* [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.* [(2013) 8 SCC 337 : JT (2013) 8 SC 275]”



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7.In view of the above discussion, this Court is not satisfied with the reasons stated in the grounds for condonation of delay and accordingly, the civil miscellaneous petition seeking to condone the delay of 1335 days in preferring the review petition is dismissed. Consequently, review petition is reject at the SR stage itself. No costs.

02.02.2026

Index : Yes/No
Internet : Yes/No
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To,

- 1.The Additional Subordinate Judge,
Thanjavur.
- 2.The District Munsif Court,
Thiruvaiyaru.



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A.D.JAGADISH CHANDIRA, J.

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