



CMP (MD) No.19844 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

**CMP (MD) No.19844 of 2025
in
CRP(MD). SR.No.104777 of 2025**

M.Jeyalakshmi

... Petitioner

Vs

1.Kasammal

2.Chandrasekar

3.Mukkaiah

... Respondents

PRAYER in CMP(MD) No.19844 of 2025:-Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 714 days in filing the above Civil Revision Petition.

PRAYER in CRP(MD) SR.No.104777 of 2025:-Petition filed under Section 115 of CPC., to set aside the fair and decreetal order dated 14.08.2023 in I.A.No.834 of 2022 in O.S.No.1103 of 2017 by the learned III Additional Subordinate Court, Madurai.

For Petitioner : Mr.B.Sekar

For R1 & R2 : Ms.A.Aishwarya Caroline
legal aid counsel

For R3 : Ms.T.Shivasre for
Mr.J.Bharathan



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ORDER

The present Civil Miscellaneous Petition has been filed to condone the delay of 714 days in filing the above Civil Revision Petition.

2.The Civil Revision Petition has been filed challenging the order dated 14.08.2023 made in I.A.No.834 of 2022 in O.S.No.1103 of 2017 on the file of the III Additional Subordinate Court, Madurai.

3.The petitioner/plaintiff has filed a suit in O.S.No.1103 of 2017 before the III Additional Subordinate Court, Madurai, seeking for the relief of permanent injunction along with other reliefs. Since both parties called absent, the suit had been dismissed for default on 16.09.2021. Subsequently, the petitioner preferred an application in I.A.No.834 of 2022 before the III Additional Subordinate Court, Madurai, praying to condone the delay of 248 days in filing a petition to restore the suit in O.S.No.1103 of 2017. The said application was also dismissed on 14.08.2023. Now, the petitioner has come forward with the present application seeking to condone the delay of 714 days in filing the above Civil Revision Petition to challenge the order made in I.A.No.834 of 2022, dated 14.08.2023.



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4.The learned counsel for the petitioner would submit that the delay in filing the Revision was neither wilful nor wanton, but occurred due to unavoidable circumstances. It is submitted that the petitioner was suffering from ill health during the relevant period and compounded by the restrictions and disruptions caused by the COVID-19 pandemic, she was unable to effectively communicate her counsel. Owing to these *bona fide* difficulties, the delay occurred and therefore the same deserves to be condoned in the interest of justice.

5.The learned counsel for the respondents would submit that the reasons assigned by the petitioner for condonation of delay are vague, unsubstantiated, and devoid of *bona fides*. It is submitted that the petitioner has made a bald allegation of ill health without producing any medical records or acceptable evidence to substantiate the same. In the absence of documentary proof, such a plea cannot be entertained.

6.I have given my careful and anxious consideration to the contentions put forward by the learned counsel on either side. Records perused.



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7.The matter comes up for consideration of application under Section 5 of the Limitation Act with a prayer for condoning the delay of 714 days in filing the Civil Revision Petition.

8.Admittedly, under Section 5 of the Limitation Act, 1963, the Court is empowered to condone the delay if the petitioner is able to demonstrate "sufficient cause" for not preferring the Revision within the prescribed limitation period. The explanation offered must be reasonable, bona fide, and not indicative of negligence or inaction.

9.After perusal of the averments made in the application, this Court finds that the reasons assigned by the petitioner do not constitute sufficient cause. The petitioner has merely stated that due to ill health and the Covid-19 pandemic, she was unable to contact her counsel, and that by mistake she preferred a Civil Miscellaneous Appeal. However, no specific details, such as the nature of the illness, the period during which she was incapacitated, or any supporting medical records, have been produced. Further, the plea of Covid-19 pandemic, in the absence of a clear explanation as to how it actually prevented her from pursuing the remedy within the prescribed time,



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cannot be accepted in a routine manner. The petitioner has also failed to explain the circumstances under which the wrong remedy was chosen, and what steps were taken thereafter to rectify the alleged mistake.

10.In the absence of *bona fide* reasons and satisfactory explanation for the delay or procedural lapse, the conduct of the petitioner reflects negligence rather than diligence. Hence, the grounds urged are insufficient to invoke the discretionary jurisdiction of this Court.

11.In view thereof, this Civil Miscellaneous Petition stands dismissed and the Civil Revision Petition stands rejected at the SR stage itself.

12.The Court places on record its appreciation for the commendable efforts of the legal aid counsel for the respondents 1 and 2, namely, Ms.A.Aishwarya Caroline, for conducting the case diligently and providing valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench shall pay a total sum of Rs.10,000/- towards remuneration to the legal aid



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counsel for the respondents 1 and 2 for conducting the case, within a period of two weeks from the date of receipt of a copy of this order, without fail.

13.Registry is directed to forward a copy of this order to the Legal Aid Committee for information.

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

23.02.2026

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To

The III Additional Subordinate Judge, Madurai.



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N.SENTHILKUMAR, J.

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