



CRP(MD). No.327 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

**Dated : 10.02.2026**

CORAM

**THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**C.R.P(MD). No.327 of 2026**

**and**

**C.M.P(MD) No.1487 of 2026**

1.Mariyammal

2.Pitchai

... Petitioners

Vs

Vijayaragavan

... Respondent

**PRAYER** :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order passed in I.A.No.586 of 2022 in O.S.No.139 of 2008, dated 03.09.2025 on the file of the District Munsif Court, Thiruvaiyaru and set aside the same and allow the Civil Revision Petition.

For Petitioners : Mr.N.Tamilmani

For Respondent : Mr.A.Sivasubramanian



CRP(MD), No.327 of 2026

## **ORDER**

WEB COPY

This Civil Revision Petition has been filed challenging the order dated 03.09.2025 passed in I.A. No.586 of 2022 in O.S. No.139 of 2008 on the file of the District Munsif Court, Thiruvaiyaru, whereby the learned Judge dismissed the application filed by the petitioner to condone the delay of 4530 days in filing a petition to set aside the ex parte decree, holding that the reasons stated were not acceptable and that the petition was not maintainable.

2. The learned counsel appearing for the revision petitioners submitted that sufficient cause had been shown for the inordinate delay. It was contended that the petitioners came to know about the ex parte decree only at the stage of execution proceedings when notice was served on them. It was further submitted that the petitioners are aged about 100 years and 70 years respectively and, therefore, the delay ought to have been condoned.



CRP(MD), No.327 of 2026

3. The learned counsel also relied upon the judgment of the Hon'ble Supreme Court in *N.Balakrishnan vs. M.Krishnamurthy (1999-1-L.W.739)*, wherein it has been held that the length of delay is immaterial and that the acceptability of the explanation alone is the criterion. It was further observed therein that even a long delay can be condoned if the explanation is satisfactory.

4. Per contra, it is seen that the reasons now projected before this Court differ from those stated before the trial Court. Before the trial Court, the only reason assigned by the petitioners was that they were suffering from illness and faced continuous personal difficulties, due to which they could not participate in the proceedings. However, before this Court, an additional plea has been taken that they came to know about the decree only at the stage of execution proceedings.

5. This Court finds that the delay of 4530 days, which is approximately 12 years, is inordinate. For such an extraordinary delay, the petitioners have not produced any supporting documents. Except for



CRP(MD), No.327 of 2026

a bald statement, no material has been placed on record to substantiate the reasons assigned for the prolonged delay.

6. In such circumstances, this Court is of the view that the petitioners have failed to establish sufficient cause for condoning the inordinate delay. The principles laid down in the judgment relied upon by the learned counsel for the petitioners would apply only when the explanation is satisfactory, which is not the case here.

7. Therefore, this Court finds no infirmity in the order passed by the trial Court.

8. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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

**10.02.2026**  
(1/2)



Indu

WEB COPY



CRP(MD), No.327 of 2026

**To**

The learned District Munsif,  
Thiruvaiyaru.



WEB COPY



CRP(MD). No.327 of 2026

**N.SENTHILKUMAR, J.**

Indu

**C.R.P(MD). No.327 of 2026**

**10.02.2026**  
**(1/2)**