



C.M.P.(MD) No.3173 of 2026

AND

Rev.Applc.(MD) SR. No.92423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2026

CORAM

THE HONOURABLE Mr.JUSTICE G. ARUL MURUGAN

C.M.P.(MD) No.3173 of 2026

AND

Rev.Applc.(MD) SR. No.92423 of 2025

Janaki

.. Petitioner

Vs.

Kirshnamani

.. Respondent

Civil Miscellaneous Petition filed under Section 5 of the Limitation Act read with Section 151 CPC to condone the delay of 54 days in filing the Review Application (MD) SR.No.92423 of 2025 in S.A.(MD) No.302 of 2025.

Review Petition filed under Order 47 read with Rule 1 and Section 114 CPC to review the order dated 17.07.2025 in S.A.(MD) No.302 of 2025.

For Petitioner : Mr.Ananth
for Mr.S.Suresh Kumar
(through video conferencing)



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ORDER

The present Civil Miscellaneous Petition is filed seeking to condone the delay of 54 days in filing the Rev.Aplc.(MD) SR. No.92423 of 2025.

2.In the affidavit filed along with the condone delay petition, the reasons for delay cited in paragraph 4 reads as follows:

“4.I humbly submit that as the petitioner is a Senior Citizen with old age health ailments she was not able to approach her counsel on record in time. Hence there is a delay of 54 days in filing this Review Application in S.A.(MD) No.302 of 2025. Hence the delay is neither willful nor wanton and it is beyond out of control.”

3.The learned counsel for the petitioner seeks to explain the delay in his arguments. He further submitted that on merits, he is having a case to argue in the Review Petition. As according to him, an opportunity to file fresh suit ought to have been given, when the Second Appeal was decided. However, since the same was not extended to, he is entitled to seek for a review of the judgment and decree.



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4.Heard the learned counsel for the petitioner and perused the affidavit and the papers filed along with the condone delay petition and the Review Petition.

5.At the outset, it is to be noted that it is for the petitioner to explain the delay caused in filing the Review Petition, when there is a delay of 54 days. Unless sufficient cause is shown, the condonation of delay is not automatic. From the averments extracted above, it is evident that the petitioner has not come with any acceptable reason in considering the petition to condone the delay.

6.It is to be noted that the Second Appeal was heard on merits and by judgment and decree dated 17.07.2025, the Second Appeal came to be dismissed.

7.While considering the Second Appeal on its merits, this Court found that when the petitioner/plaintiff had come up with a suit for eviction, only in



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the event of the petitioner/plaintiff proving title to the suit property, she will be entitled to seek for a consequential decree of eviction. When the defendant resisted the suit by filing a written statement disputing the title of the petitioner/plaintiff, then, it was open to the petitioner to seek for declaration to declare her title and in the absence of the same, in view of the documents filed, the trial Court and the first appellate Court had dismissed the suit and this Court also finding that there is no substantial question of law that arises for consideration in the Second Appeal, dismissed the Second Appeal.

8.It is the only contention of the learned counsel for the petitioner that if the Second Appeal is entertained, he would have an opportunity to file additional documents under Order 41 Rule 27 CPC.

9.The said argument raised cannot be sustained and it is impermissible, in view of the provision seeking review under Order 47 Rule 1 CPC.



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10.Any review can be sought for and considered only within the contours laid down under the provisions of Order 47 Rule 1 CPC. The argument that is raised does not fall within the parameters and therefore, there is no merits in the Review Petition filed. In view of the fact that there is no reason adduced in seeking the petition to condone the delay and also for the other reasons mentioned above, this Court is not inclined to entertain the petition. Accordingly, Civil Miscellaneous Petition stands dismissed. Consequently, Review Petition is also dismissed at the SR stage itself. No costs.

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Index : Yes/No
Internet : Yes/No
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G. ARUL MURUGAN, J.

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