



CRP(MD). No.478 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.478 of 2026

S.Suresh

... Petitioner

Vs

1.Solaiappa Nadar

2.Munisasamy Nadar (died)

3.Poochendu

4.Jeyaguru Balan

5.Lingaraj

6.Thirumani Selvam

7.Lingamani

8.Mariammal

9.Ponnuthai

10.Chithra Devi

... Respondents



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PRAYER :-Civil Revision Petition filed under 115 of Civil Procedure Code, to set aside the fair and final order dated 19.01.2010 made in I.A.No.148 of 2007 in unregistered A.S.No...of 2007 on the file of the Sub Court, Thoothukudi.

For Petitioner : Mr.V.Sathuri Raja
for Mr.P.Santhoshkumar

For R1 and R2 : Ms.T.Shiva Shree, Legal Aid Counsel

For R3 and R4 : M/s.M.Jananipriya

ORDER

This Civil Revision Petition has been filed challenging the order dated 19.01.2010 passed in I.A.No.148 of 2007 in unregistered A.S.No...of 2007 on the file of the Sub Court, Thoothukudi, whereby the learned Judge dismissed the application filed by the petitioner to condone the delay of 286 days in filing the appeal.

2. The trial Court, while dismissing the application, held that though the petitioner had contended that he was suffering from Chikungunya and subsequently from jaundice, no medical records were produced to substantiate the same. The trial Court further observed that the petitioner had not conducted the case in person and was represented



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through a power of attorney and therefore, the reason assigned was not sufficient to condone the delay. It was also held that each day's delay must be explained with acceptable reasons and on that ground, the application was dismissed.

3. Despite service of notice on respondents 1 and 2 and though their names were printed in the cause list as “died”, there was no representation on their behalf when the matter was taken up for hearing on 12.02.2026. Hence, this Court appointed a Legal Aid Counsel, namely T.Shiva Shree (Enrol. No.647/2023), to represent respondents 1 and 2.

4. Upon perusal of the records, the learned Legal Aid Counsel submitted that the only reason assigned by the revision petitioner for the delay is illness, namely Chikungunya and jaundice and that no documentary evidence has been produced to establish the same.

5. This Court is of the view that though the explanation offered by the petitioner is not supported by medical records, a liberal approach is required while considering applications for condonation of delay,



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particularly when substantial rights are involved. In the present case, the suit is one for declaration and injunction and therefore, an opportunity ought to be afforded to the petitioner to have the matter decided on merits.

6. In such circumstances, this Court is inclined to set aside the order passed by the Sub Court, Thoothukudi, in I.A.No.148 of 2007 in unregistered A.S. No...of 2007, dated 19.01.2010, subject to payment of costs.

7. Accordingly, this Civil Revision Petition is allowed and the delay of 286 days is condoned, on condition that the petitioner pays a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Madurai Bench of Madras High Court Advocates Welfare Fund (A/c No. 7087208431, Indian Bank, High Court Branch, Madurai Bench Campus, Madurai, IFSC Code: IDIB000H040), within a period of two weeks from the date of receipt of a copy of this order, failing which, the delay condonation ordered by this Court today, shall stands automatically cancelled, without any further reference to this Court.



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8. This Court places on record its appreciation for the effective assistance rendered by the learned Legal Aid Counsel appearing on behalf of respondents 1 and 2. The High Court Legal Services Committee attached to this Bench is directed to pay a sum of Rs.5,000/- as additional remuneration to the said Legal Aid Counsel, within a period of two weeks from the date of receipt of a copy of this order.

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

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N.SENTHILKUMAR, J.

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