

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADHAVARAM

Present :Tmt.P.Deepa, B.A.,B.L.,L.L.M.,
District Munsif Cum Judicial Magistrate, Madhavaram

Monday, the 08th day of June 2026

CrI.M.P.No.790/2025

in

DVC.No.4/2020

A.Vijayalakshmi

. . . Petitioner/ 2nd Respondent

-Vs-

1. Rajeswari

. . . Respondent/ Applicant

2. Ananda Kumar

. . . Respondent/ Respondent

The petition filed by M/s.Mr.B.Suresh Babu counsel for the Petitioner/ 2nd Respondent and M/s.Mr.Arivarasan counsel for the Respondent/ Applicant came up before this court. Upon perusing the entire records, hearing submission of both sides and having stood over for consideration till this date, this Court passes the following:

ORDER

The Petitioner/Respondent in her Petition submitted that, due to unforeseen and surgical treatment ans was in bed rest for 30 days from 08.03.2024. She was unable to re-present the Set Aside Application within the prescribed period. Consequently, a delay of 323 days has occurred in re-presenting the said application. The delay is neither wilful nor wanton, but due to bona fide reasons beyond the Petitioner's control. If the delay is not condoned, the Petitioner/Complainant will suffer grave prejudice, irreparable loss, and serious hardship. Hence, it is just and necessary that this Hon'ble Court may be pleased to condone the delay of 323 days in re-presenting the Set Aside Application in S.R. No. 5984 of 2024 and thus render justice.

Respondent/ Applicant in her petition submitted that the petitioner/2nd respondent was set exparte on 14.03.2024 at the stage of respondent evidence. Thereafter, the 2nd respondent filed an application to set aside the exparte order, which was returned by

this Hon'ble Court for defects, but the same was never represented. Again, another defective petition was filed and returned, and even thereafter, the petitioner/2nd respondent failed to comply with the court directions at the final stage, after the respondent / complainant filed proof affidavit and when the matter was posted for final arguments on 16.09.2025 the petitioner/2nd respondent has now come forward with the present petition along with delay condonation, which clearly establishes intentional delay and abuse of process of law, which is to be represented within one month period, but the petitioner did not comply the returns within the limitation period and represented the main petition with the delay of 323 days. In the above circumstances this petition is liable to be dismissed with cost.

On Considering the submissions made by the petitioner this court satisfies that the complainant had sufficient cause for not making a complaint within statutory period. Disallowing this petition will cause serious prejudice to the petitioner. Hence, the delay of 323 days is condoned and the petition is allowed. Hence, the delay of 323 days is condoned and the petition is allowed. The Petitioner/ 2nd Respondent is directed to pay Rs.5000/- to the Respondent/Applicant within a 15 days from the date of this order. Failing which the Petition shall stand dismissed.

Call on 23.06.2026

RESULT:

In the result, petition is allowed with cost.

The Order was dictated by me typed directly by Steno typist in computer. Verified and pronounced by me in the Open Court on this the 08th day of June 2026.

**District Munsif cum Judicial Magistrate,
Madhavaram.**