



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.2405 & 2407 of 2026

G.Somasundaram
S/o.Govindasamy Gounder,
Thattankattupudur,
Ekkattampalayam Village,
Perundurai Taluk,
Erode District.

..Petitioner/Appellant in
all CRPs

Vs

1.M.Raju
S/o.Marimuthu Gounder,
No.89/3, Ruby Garden, Sengodampalayam,
Thindal Village,
Erode Taluk and District.

..1st Respondent/Respondent in
both CRPs

2.M.Vivekanandhan
S/o.Marimuthu Gounder,
Kunnangalkattuvalasu,
Pasuvapatti Village,
Perundurai Taluk,
Erode District.

..1st Respondent/
Respondent in
C.R.P.No.2407/2026

Common Prayer: Civil Revision Petitions filed under Section 115 of C.P.C.,
praying to set aside the Fair and Final orders dated 16.12.2025 passed in
I.A.No.1 of 2023 in unnumbered A.S. in C.F.R.Nos.6232 & 6236 of 2023 on
the file of Subordinate Court, Perundurai, and allow the Civil Revision
Petitions.



For Petitioner(s):
For Respondent(s):

Mr.S.Kaithamalai Kumaran
Mr.M.Karthik for R1 & R2

COMMON ORDER

WEB COPY

These Civil Revision Petitions have been filed seeking to set aside the Fair and Final orders dated 16.12.2025 passed in I.A.No.1 of 2023 in unnumbered A.S. in C.F.R.Nos.6232 & 6236 of 2023 on the file of Subordinate Court, Perundurai.

2.Before the Trial Court, the Petitioner/Appellant therein has filed an application to condone the delay of 1334 days in filing the appeal. The Trial Court after hearing both sides, dismissed the application held that no proper reasons were assigned and no proper medical records were produced.

3.Aggrieved by the dismissal order, these Civil Revision Petitions have been filed.

4.Learned counsel for the revision petitioner submits that the petitioner was not able to follow the suit proceedings due to suffer from various ailments and lack of communication. Therefore, he was examined himself as P.W.1 and marked Ex.P1 (Medical Certificate) and the Trial Court has observed as follows:

“It is also quite strange the certificate was dated 03.08.2023 by which the doctor has certified that he

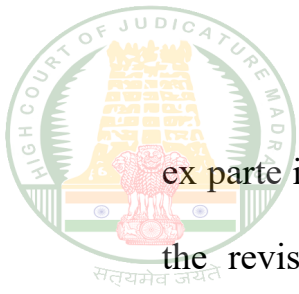


WEB COPY



was in treatment since 30.09.2019. There is no supporting document to show the nature of the treatment and the infection suffered by the petitioner. As already stated no treatment records, medical prescription, nature of the treatment given/taken was produced before this Court. The doctor who issued the certificate was also not examined. As such the above certificate cannot be relied by the petitioner to prove the illness. Though the provision of Limitation Act has to be construed liberally, the petitioner must establish sufficient cause for not filing the appeal in time. The power to condone the delay if sufficient cause is shown is discretionary in nature on the part of the Court and it is not necessary to exercise the discretionary relief if there is inordinate delay, negligence and want of due diligence and merits of the case has no application in condoning the delay. In the present case the petitioner has not shown any sufficient cause to condone the delay and even the reason stated by the petitioner is not supported with any document and there is no acceptable explanation for the inordinate delay of three years and above in filing the appeal. As such the application is devoid of merits and the same is liable to be dismissed.”

4.1.However, the Trial Court has not accepted the said medical reports and held that the delay was not property explained. He further submits that due to lack of communication and suffers from various ailments, he was remained



ex parte in the suit. Therefore, he prays one more opportunity may be given to the revision petitioner to contest the case and allow these Civil Revision Petitions.

5.Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the considering the fact that the petitioner is a Senior Citizen and ailing from remote Village and also suffers from various ailments, this Court is inclined to allow these Civil Revisions Petitions.

6.The Appellate Court is directed to take on file within a period of two weeks from the receipt of a copy of this order and thereafter proceed with the cases on condition that the payment of cost of Rs.1,500/- each petition, totally Rs.3,000/- to be paid by the revision petitioner to the respondent.

7.With the above directions, these Civil Revision Petitions are allowed.

No costs.

17-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PAM



WEB COPY

To

The Subordinate Court, Perundurai.



WEB COPY



T.V.THAMILSELVI, J.

PAM

C.R.P.Nos.2405 & 2407 of 2026

17-06-2026