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CRP No. 2020 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 2020 of 2023

Selvaraj
S/o. Ramanathan Udaiyar,
No.57, Eswaran Koil Street,
Valavanur,
Villupuram Taluk.

..Petitioner(s)

Vs

1. Dhandapani
S/o Krishnan
New Street, Villupuram.

2. Sarangan
S/o. Krishnan,
New Street, Villupuram.

..Respondent(s)

Civil Revision Petition is filed under Section 115 of the Civil Procedure Code,
to set aside the Fair and Decretal order dated 14.11.2022 made in I.A.No. 14 of 2020
in O.S.No. 215 of 2010 on the file of the Principal District Munsif, Villupuram.

For Petitioner(s): Ms.V.Suguna
for Mr.P.Tamilarasan

For Respondent(s): R1- Notice served
Mr.N.Suresh
for R2



ORDER

(1) The Civil Revision Petition is filed against the fair and decretal order dated 14.11.2022, passed in I.A.No.14 of 2020 in OS.No.215 of 2010, dismissing the petitioner's petition to condone the delay of 980 days in representing the petition.

(2) The petitioner is the plaintiff in the suit. The petitioner filed the suit for declaration of title and permanent injunction against the respondents. The suit is of the year 2010 and therefore it was listed under the special list for fast tracking. On 01.02.2017, there was no representation for the petitioner and therefore it was adjourned to 06.02.2017. Even on that day, there was no appearance of the petitioner and therefore the suit was dismissed for default.

(3) The petitioner filed an application to set aside the *ex parte* order on 21.03.2017, along with a petition to condone the delay of 980 days. The said petition was dismissed by the Trial Court on the ground that the petitioner had failed to give justifiable reasons for condoning the exorbitant delay of 980 days. The Trial Court found that the solitary reason assigned by the petitioner for condoning the inordinate delay of 980 days to the effect that he had undergone heart surgery, was not corroborated or supported by any medical evidence and therefore, it dismissed the petition. Aggrieved by the dismissal order, the petitioner has filed the above Civil Revision Petition.

(4) The learned counsel for the petitioner submitted that the petitioner had undergone heart surgery and therefore he was not able to file the petition in time. The learned



counsel therefore prayed that sympathetic view may be taken and an opportunity may be given to the petitioner to contest the suit on merits.

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(5) I heard both the learned counsels and perused the materials placed on record.

(6) No doubt, condonation of delay is a matter between the Court and the petitioner.

Nevertheless, the Court has to look into the reasons assigned for the delay, more so, when the delay is inordinate. The petitioner has urged that he was suffering from heart ailment and had to undergo a heart surgery in Vijaya Hospitals, Chennai. However, no medical records have been filed to substantiate the reason assigned for the delay. When the petitioner had undergone a major heart surgery, it is difficult to fathom that the petitioner was treated without any medical records. The petitioner's specific statement is that he was admitted in Vijaya Hospital for heart surgery. If so, the petitioner has not given any reasons for not producing the medical records for the heart surgery undergone by him. In the absence of any corroborative evidence in support of the petitioner's medical condition, I am of the view that the Trial Court had rightly held that the delay is unexplained and unsubstantiated. The petitioner, having failed to substantiate his explanation for the inordinate delay of 980 days in filing the petition to set aside the ex parte order, I find no compelling reasons to interfere with the order of the Trial Court.

(7) One more aspect which needs consideration is that the suit is of the year 2010 and considering its antiquity, its hearing was fast tracked in the year 2014 for expeditious disposal. The petitioner remained absent on two occasions and the suit was dismissed by the Trial Court for default and thereafter, the petitioner filed restoration



petition along with a delay of 980 days. Since the Trial Court dismissed the petition to condone the delay, the petitioner filed the above Civil Revision Petition in the year 2023. The Civil Revision Petition was kept pending for the past three years and if the petitioner was really interested in contesting the suit, he would have taken earnest steps for speedy disposal of the Civil Revision Petition. The conduct of the petitioner shows that the petitioner only wants to prolong the proceedings. Under the circumstances, in addition to the above discussions, I am of the view that the Civil Revision Petition deserves to be dismissed even on the basis of the conduct of the petitioner in trying to prolong the proceedings.

(8) For all the above reasons, this Court finds no merit in the Civil Revision Petition.

Hence, the same is dismissed. However, there shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

dsn / AP

To
The Principal District Munsif,
Villupuram.



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N.MALA J.

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