



CMP No. 29140 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 29140 of 2025

AND

CRP SR NO. 122479 OF 2025

1. G.Anbuganapathy
S/o. Late S. Gopalakrishnan, Res. at
No.5, Lakshmi Apartments, II Street,
Bharathi Nagar, Pallavaram, Chennai
43.

Appellant(s)

Vs

1. S.GOPALAKRISHNAN
(DECEASED), 1. G. Subramani
S/o. Late S. Gopalakrishnan, No.17A,
Arul Murugan Nagar, Old Pallavaram,
Chennai 44.

2.K. Vijayalakshmi
W/o. E.M.Kesavan, Erumpali Village,
Thirukazhaikundram, Chengalpattu
District.

3.R. Meenakshi
W/o. S. Rengaswamy, No.4, West
Oppanaikara Street, Salavapet,
Arakonnam.

4.K.V. Venugopal
S/o. S. Krishnan, No.3, Fourth Street,
Bharathi Nagar, Zamin Pallavaram,
Chennai 44.

Respondent(s)



CMP No. 29140 of 2025

PRAYER

To condone the delay of 853 days in filing this CRP against the order dated 19.12.2022 passed by the Principal District Judge, Chengalpattu in I.A.No.248 of 2018 in A.S.No.4 of 2016 and pass such further or other orders as this Honble Court.

CMP No. 29140 of 2025

For Appellant(s): Mr.K.Sambasathasivan For
M/s.De Jure Attorneys

For Respondent(s): Mr.K.Sridhar For R4 R1 and
R3 - Left R2 - Refused

ORDER

This Civil Revision Petition has been filed seeking to condone the delay of 853 days in filing this CRP against the order dated 19.12.2022 passed by the Principal District Judge, Chengalpattu in I.A.No.248 of 2018 in A.S.No.4 of 2016.

The learned counsel for the petitioner submits that the petitioner herein filed I.A.No.248 of 2018 in A.S.No.4 of 2016 seeking to condone the delay of 294 days in filing the petition to set aside the order of dismissal dated 29.08.2016 passed in A.S No 4 of 2016, which was dismissed as no representation and cost not paid. Challenging the same, the petitioner filed this CRP with the delay of 853 days. Hence, filed this CMP to condone the delay of 853 days in filing this Civil Revision Petition.

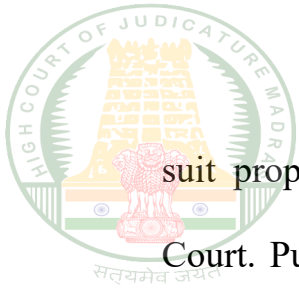
2. The learned counsel for the petitioner submitted that the petitioner was unable to communicate properly with his previous counsel and was also unable



to pay the costs imposed by the Court. It was further submitted that the petitioner is now willing to proceed with the appeal. The petitioner alleged that his previous counsel neither informed him about the Court's order nor properly conducted the case. Therefore, the petitioner lodged a complaint against his counsel before the Bar Council of Tamil Nadu. On these grounds, the petitioner prayed for an extension of time to pay the costs.

3. On the other hand, the learned counsel for the respondent submitted that A.S. No. 4 of 2016 had been dismissed for default. Thereafter, the petitioner filed I.A. No. 248 of 2018 in A.S. No. 4 of 2016 seeking condonation of a delay of 294 days in filing an application to set aside the dismissal order dated 29.08.2016. Though the application was allowed subject to payment of costs, the petitioner failed to comply with the condition. Consequently, I.A. No. 248 of 2018 was dismissed for non-representation and non-payment of costs. Aggrieved by the said order, the petitioner filed the present Civil Revision Petition after a further delay of 853 days. According to the respondent, this clearly demonstrates that the petitioner has been deliberately prolonging the proceedings, and therefore the petition deserves to be dismissed.

4. Upon perusal of the records, it is evident that an earlier suit between the petitioner and his father had been settled by way of a compromise. Under the terms of the compromise, the petitioner received a sum of Rs.4,75,000/- and relinquished all his rights over the 'A' Schedule property, which is the present



suit property. The compromise deed was marked as Ex.B1 before the Trial Court. Pursuant to the compromise, the petitioner's father sold the property to the respondent in the year 2004. The Trial Court found that the petitioner had voluntarily relinquished his rights under Ex.B1. This finding was further supported by the affidavit marked as Ex.B2, wherein it was established that the petitioner had received a sum of Rs.4,75,000/- towards his relinquished share. The compromise deed was also marked in O.S. No. 197 of 2003. Despite the respondent having purchased the property thereafter, the petitioner instituted the present suit claiming rights over the same property. The conduct of the petitioner clearly indicates that he has not been diligent in prosecuting the proceedings and has instead attempted to protract the litigation. The allegations made against his previous advocate is not justifiable. The findings of the lower Court do not warrant any interference and this Court is not inclined to condone the delay of 853 days in filing this CRP. Accordingly, the Civil Miscellaneous Petition is dismissed.

17-06-2026

pbl

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



WEB COPY

CMP No. 29140 of 2025



T.V.THAMILSELVI J.
pbl

**CMP No. 29140 of 2025
AND CRP SR NO.
122479 OF 2025**

17-06-2026