



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

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

**CRP No. 5736 of 2025
and CMP.No.28560 of 2025**

Palaniyammal

W/o.Gopal Nadar, Kurichi Village, and Post, Belur
(via) Valappady taluk, Salem District.

s

..Petitioner(s)/appellant

Vs

1. Alamelu

W/o.Arjunan, Kurichi Village, and post, Belur
Via, Valappdy Taluk and Salem District.

2. Subramani

S/o. Periyanna Nadar, Kurichi Village, and
post, Belur Via, Valappdy Taluk and Salem
District.

3. Anjalani

W/o. Murugesan, Nadar Street, Uppiliyapuram
post, Thuraiyur Taluk, Salem Dt.

4. The Assistant Engineer

TNEB (O and M) Belur II, Belur Post, Thumbal
Main Road, Valappady Taluk, Salem Dt.

5. Sumathi

W/o. Late. Subramani, Kurichy Village and
Post, Belur Via, Valappady Taluk, Salem Dt
636 104.

6. Devadharshini (Minor)

D/o. Late. Subramani, Kurichy Village and
Post, Belur Via, Valappady Taluk, Salem Dt.
(Minor Rep by Natural Guardian Mother
Sumathi)

7. Vishak (Minor)

D/o. Late. Subramani, Kurichy Village and



Post, Belur Via, Valappady Taluk, Salem Dt.
(Minor Rep by Natural Guardian Mother
Sumathi)

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..Respondent(s)/
respondents

PRAYER

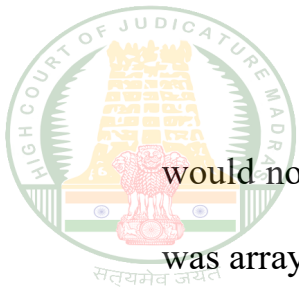
Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decretal order in IA No.1/2021 in Unnumbered AS /2021 on the file of Principal Subordinate Court, Salem and dated 14.08.2025.

For Petitioner(s):	MS.R.Poornima
For Respondent(s):	MR. N. UMAPATHI

ORDER

Civil Revision Petition filed challenging the order dated 14.08.2025 in IA No.1/2021 in Unnumbered AS /2021 on the file of Principal Subordinate Court, Salem.

2. The petitioner herein is the purchaser of a portion of the suit property by way of a registered sale deed dated 10.08.1987 executed by the mother of the plaintiffs for valid consideration. The plaintiffs, who are the children of the vendor, filed O.S. No.1010 of 2012 before the I Additional District Munsif Court, Salem, seeking partition and also for a declaration that the sale deed standing in the name of the petitioner is null and void, contending that the mother had sold the property including their share and that such alienation



would not bind them, as they were majors at the time of the sale. The petitioner was arrayed as the first defendant in the suit.

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3. The suit came to be decreed. Aggrieved by the same, the first defendant intended to prefer an appeal. However, there was a delay of 1622 days in filing the appeal and, therefore, she filed I.A. No.1 of 2021 before the Principal Sub Court, Salem, seeking condonation of the delay. Upon hearing both sides, the Court below dismissed the application holding that the reasons assigned for the delay were not properly explained and that the delay exceeded five years. Aggrieved by the said order, the present revision has been filed.

4. The learned counsel for the petitioner submitted that no notice was served on the petitioner in the suit proceedings and that, taking advantage of her illiteracy, her thumb impression had been obtained on certain papers and the same was misused as a vakalat. According to her, she was not aware of the suit proceedings and came to know about the decree only upon receipt of notice in the final decree proceedings, wherein the sale deed standing in her name had also been declared null and void. Therefore, she filed the application for condonation of delay, but the Court below failed to appreciate the facts and circumstances properly and erroneously dismissed the same.

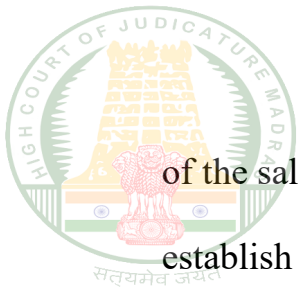
5. Per contra, the learned counsel for the respondents submitted that the



petitioner had entered appearance through counsel before the Trial Court and subsequently failed to prosecute the matter and was set ex parte. However, the Government Pleader contested the matter and thereafter the suit came to be decreed. It was further submitted that, on an earlier occasion, the petitioner had filed O.S. No.1010 of 2012 before the I Additional District Munsif Court, Salem, and the same had been dismissed for non-prosecution, thereby showing that she was aware of the proceedings and was not interested in pursuing the matter diligently.

6. Admittedly, the petitioner is an illiterate woman aged more than 75 years. The sale deed dated 10.08.1987 standing in her name was marked as Ex.B2 before the Trial Court and her purchase of the property is not in dispute. The plaintiffs have claimed that they were majors at the time of the sale and, therefore, the alienation made by their mother would not bind them. However, the petitioner, being the purchaser under the sale deed, is a necessary party to the proceedings. Though, according to the Court records, she had entered appearance through counsel, she has denied having executed any vakalat in favour of such counsel. Be that as it may, since the decree affects her title under the sale deed of the year 1987, she is undoubtedly entitled to challenge the decree.

7. Further, though the plaintiffs claimed that they were majors at the time



of the sale, a bare perusal of the records reveals that no evidence was adduced to establish their age. Without any concrete evidence in that regard, the Trial Court proceeded to conclude that the plaintiffs were majors. Whether the plaintiffs were majors or minors at the relevant point of time is a crucial issue and the Court ought to have had satisfactory evidence regarding their age. No such evidence appears to have been adduced on the side of the plaintiffs.

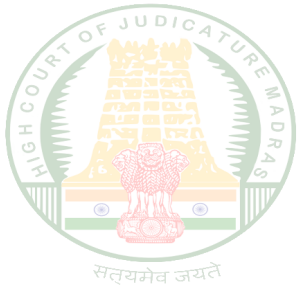
8. Therefore, this Court is inclined to afford an opportunity to both parties to adduce evidence on the said aspect. Accordingly, the Civil Revision Petition is allowed. I.A. No.1 of 2021 shall stand allowed and the appeal shall be taken on file by the Principal Sub Court, Salem, within a period of one week from the date of receipt of a copy of this order. The Appellate Court is directed to dispose of the appeal within a period of three months thereafter. Till the disposal of the appeal, the operation of the decree passed by the Trial Court shall remain stayed.

9. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

19-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPA



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T.V.THAMILSELVI, J.

MPA

To

1. The Principal Subordinate Court, Salem.
2. The Section Officer, VR section,
High Court of Madras.

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