



WEB COPY

CRP No.3755 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No.5956 of 2025
and CMP. No.29467 of 2025
and CMP. No.16349 of 2026
in CRP. SR. No.132177 of 2023**

CRP. No.5956 of 2025:

Seethaiammal (Since deceased)

1.L.R.Bhojan

2.L.R.Chandran

L.R.Manikoos (Since deceased)

3.Lakshmi

4.Siva Shankar

5.Siva Prakash

..Petitioner(s)

Vs

1.Rani

2.Raju

3.Kannammal

4.Rani

5.Kadigi

Raman (Since deceased)

6.Lakshmanan

Boran (Since deceased)

7.B.Shankaran

8.B.Chandran

9.B.Rajkumar

10.Suganthi

11.Nisha

12.Manju

13.Indumathi

Krishnamoorthy (since deceased)

14.Manikandan

15.Kannan

16.Desingh

17.Sivakumar

..Respondent(s)

**CMP. No.16349 of 2026:**

Seethaiammal (Since deceased)

1.L.R.Bhojan

2.L.R.Chandran

L.R.Manikoos (Since deceased)

3.Lakshmi

4.Siva Shankar

5.Siva Prakash

..Petitioner(s)

Vs

1.Rani

2.Raju

3.Kannammal

4.Rani

5.Kadigi

Raman (Since deceased)

6.Lakshmanan

Boran (Since deceased)

7.B.Shankar

8.B.Chandran

9.B.Rajkumar

..Respondent(s)

PRAYER in CRP. No.5956 of 2025: This Civil Revision Petition is filed under Section 115 of CPC, to set aside the order dated 22.07.2025 made in I.A. No.1 of 2023 in ASCFR No.2743 of 2023 on the file of the Sub Judge at Udhagamandalam.

PRAYER in CMP. No.16349 of 2026: This Civil Miscellaneous Petition is filed under Order IV, Rule 9(4) of AS Rules, to condone the delay of 865 days in representing the above C.R.P. SR. No.132177 of 2023 filed against the order dated 10.07.2015 made in I.A. No.27 of 2014 in A.S.C.F.R. No.3928 of 2013, on the file of the Hon'ble Subordinate Court, Udagamandalam.

For Petitioner(s):

Mrs.Rita Chandrasekar for
Mrs.R.Gouri in both cases



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For Respondent(s):

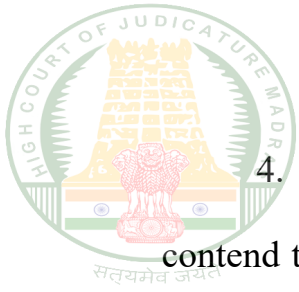
Mr.M.Mahamani for R1
No Appearance
for R2, R3, R5 to R7, R9, R10, R12,
R14 to R17
R4- Died
R8 and R13 -Left not ready NS.
in both cases

ORDER

The revision petitioners are at the instance of the legal representatives of the defendants in O.S. No.140 of 2018. An Application for condonation of delay in I.A. No.1 of 2023, in preferring the First Appeal in A.S.CFR No.2743 of 2023, before the Sub Curt, Udhagamandalam, has been dismissed and challenging the same, CRP. No. 5956 of 2025 has been filed.

2. CMP. No.16349 of 2026, has been filed seeking condonation of delay in re-presenting the CRP.SR. No.132177 of 2023, against a similar order passed by the Sub Court, Udhagamandalam, dismissing I.A. No.27 of 2014 in A.S.CFR. No.3928 of 2013, which again challenges the judgment and decree in O.S. No.140 of 2008.

3.I have heard Mrs.Rita Chandrasekar, for Mrs.R.Gouri learned counsel for the revision petitioner in both cases and Mr.M.Mahamani for R1, learned counsel for the first respondent in both the matters.



4. Mrs.Rita Chandrasekar, learned counsel for the petitioner would contend that the petitioners have purchased two parcels of land of an extent of 40 cents and 10 cents comprised in S.No.692/6 and 692/9, in the year 1983 and however, the suit for partition came to be filed in the year 2008, including the property purchased by the father of the petitioners late, L.Raman. Admittedly, the petitioners remained exparte and a preliminary decree came to be passed on 28.01.2013, subsequently a final decree application in I.A. No. 361 of 2013 was also filed and a final decree also came to be passed on 18.10.2016. In order to set aside an appeal came to be preferred challenging the preliminary decree in AS CFR No.3928 of 2013, along with an Application seeking condonation of delay of 2,555 days in I.A. No.27 of 2014. The said Application was dismissed by First Appellate Court and challenging the same, the CRP. SR. No.132177 of 2023 has been filed. However, since there is a delay of 865 days of in representing the said revision and Application in CMP. No.16349 of 2026 has also been filed. The revision in CRP. No.5956 of 2025, challenges the dismissal of I.A. No.1 of 2023, refusing to condone the delay of 2526 days in preferring the First Appeal.

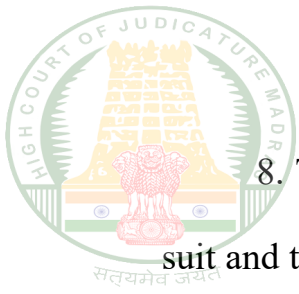
5. Mrs.Rita Chandrasekar, learned counsel for the petitioner would contend that the petitioners were misled by their lawyer and they were in dark, until they received notice in the final decree proceedings and immediately, they have taken steps to set aside the preliminary decree as well as the final decree.



She would further state that certified copies were obtained only in November 2013. Though, the exparte decree passed on 28.01.2013 and in view of the fact that the petitioners are bonafide purchasers for value having purchased from one branch, the petitioners should have given a fair opportunity to contest the application on merits without putting delay against them.

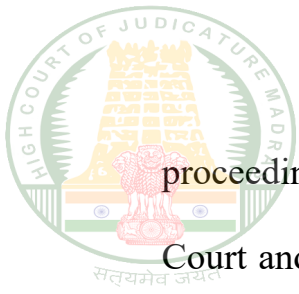
6. Per contra, Mr.M.Mahamani, learned counsel for the first respondent/plaintiff would submit that the plaintiff is the sister of the vendor of the revision petitioners and her suit for partition was rightly decreed granting her share by way of preliminary decree and thereafter, final decree application admittedly has been taken out and the same has also been passed and according to the learned counsel, the first respondent was put in possession and the decreed portion allotted to her and thereafter, the 1st respondent even alienated the subject property. He would therefore state that there is no merit in the revision and in any event, inordinate delay has not been satisfactorily explained excepting for blaming the Counsel, he would therefore pray for the revision petitioner as well as the Miscellaneous Petition in condonation of delay in representing the other revision to be dismissed.

7. I have carefully considered the submissions advanced by the learned counsel on either side.



8. The petitioners do not dispute the fact that they received notice in the suit and that they have also engaged a lawyer. According to the petitioners, they trusted the lawyer engaged by them and were under the impression that he would take care of their interest. However, without being informed about the proceedings, the Counsel has betrayed the trust placed by the petitioners on him and has left the proceedings unattended, without diligently attending to the same. Further according to the petitioners, they had to engage another lawyer and thereafter, came to know of the passing of the preliminary decree as well as final decree and immediately, they have taken steps to file the appeal along with condonation of delay of 2526 days.

9. The said Application was resisted by the first respondent contending that the inordinate delay has not been explained and it is more than 12 years from the preliminary decree passed and seven years from the final decree was also passed and after being put in possession in terms of the final decree, the first respondent has also sold his entitlement to innocent third party purchasers, who have also mutated their names in revenue records also. The First Appellate Court, considering the averments made in the Section 5 Application, as well as the counter affidavit filed by the contesting first respondent, found that the delay was not only inordinate, but the petitioners have been guilty of deliberate inaction for several years together. The Court also found that even in the final decree proceedings, the petitioners were lethargic and did not contest the



proceedings, though there was a reference to a revision petition filed before this Court and pendency of the revision was one of the reasons for delay, even the Civil Revision Petition number was not furnished by the petitioners.

10. Thus on an over all consideration of the facts and circumstances and clearly finding that the entire blame was being shifted to the Advocate, the First Appellate Court found that no sufficient or valid reasons have been assigned for the extraordinary delay of 2526 days in preferring the First Appeal. Independently, I have gone through the affidavit filed in support of the condone delay application. Excepting for blaming the Counsel and attempting to shift the entire blame on the Counsel, I do not see any other grounds set out explaining the delay, leave alone, showing sufficient case.

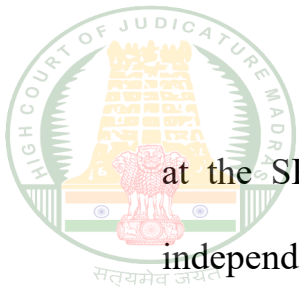
11. The Hon'ble Supreme Court as well as this Court have recently come down heavily on the practice of litigants blaming the Counsel to justify the delay on their part as the litigant whose interest, the Counsel is protecting, should be diligent in following the matter and cannot get away by merely alleging that he trusted the Counsel and that the Counsel let him/her down, without following up the matter properly. In fact the present case, the First Appellate Court has also found that though allegations has been made against the Counsel and no action has been taken against the said Advocate as well.



12. In such circumstances, I do not find any perversity or infirmity in the findings of the First Appellate Court refusing to condone the inordinate and unexplained delay of 2526 days. In the light of the above, I do not see any merit in the revision in CRP. No.5956 of 2025 is dismissed.

13. CMP. No.16349 of 2016, is filed for condonation of 865 days in re-presenting the order in Civil Revision Petition, challenging the dismissal of the condone delay application in I.A. No.27 of 2014 in A.S. CFR No.3928 of 2013. This revision also arises from the very same suit, excepting that the said revision is at the instance of the some of the other defendants. I have already dealt with the Application in I.A. No.1 of 2023, out of which, CRP. No.5956 of 2026 arises, the petitioners herein also claim under the very same L.Raman, their father. However, for the forgoing discussions, having already found that the final decree has already been passed and the plaintiff has been put in possession of her separate share and she has also alienated the same to the third parties purchasers, I am unable to see any merit in the present revision as well.

14. Having already dismissed the application to set aside, the order in I.A. No.1 of 2023 seeking condonation of delay of 2526 days, I do not see any requirement to permit the petitioners to agitate the passing of final decree, especially when the proceedings have already been terminated. Therefore, CMP. No.16349 of 2029 is dismissed and the Civil Revision Petition is rejected



at the SR stage itself. However, it is made clear that if they have any independent avenue to assert their right in separate proceedings, subject to the law of limitation, it is always open to the petitioners to pursue the same and this order confirming the dismissal of the condonation Application will not come in their way. It is made clear that it is upto the petitioners to make out a case that any independent proceedings that may be initiated by them are maintainable and in time. If any such separate suit is filed by the petitioners, the same shall be dealt with in accordance with law and it shall open to the respondents to contest to take all available grounds to defend the suit including limitation. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

12-08-2026

RKP

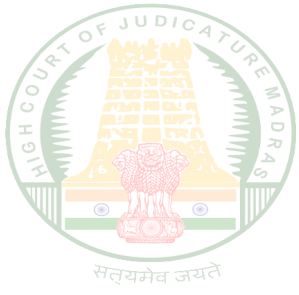
Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

The Sub Judge at Udhagamandalam.



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P.B.BALAJI, J.,

rkp

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