

THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 18.12.2026

Judgment pronounced on : 20.02.2026

CORAM

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

CMP.No.32251 of 2025
in CRP.SR.No.203347 of 2025

Panjali

.. Petitioner

Vs.

Sagadhevan (Dead)

1.Saraswathi

2.Kumaran Gandhi

3.Kavitha Gandhi

4.S.Arun Gandhi

5.Maragadham Ammal

6.Velmurugan

7.Thirumurugan

8.B.Raman @ Tamilprabhakaran

9.Gomathi

.. Respondents

[Cause title accepted vide Court order dated 10.12.2025 in CMP.No.31254 of 2025 in CRP.SR.No.203347 of 2025]

Prayer: Civil Miscellaneous Petition filed under Section 115 of CPC, to condone the delay of 505 days in filing the present civil revision petition, challenging the fair and decreetal order dated 24.04.2024 passed in REA.No.3 of 2024 in REP.No.38 of 2011 by the Principal Subordinate Judge, Dharmapuri.



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For Petitioners : Mr.Sharath Chandran
for Mr.Gowwtham Thelak V.B

For Respondents : Mr.P.Valliappan
Senior Counsel
for M/s.P.V.Law Associates for RR2 to 5
R1 Died (Steps taken)

ORDER

The above Civil Miscellaneous Petition has been taken out to condone the delay of 505 days in filing the revision petition, challenging the order dated 24.04.2024 in REA.No.3 of 2024 in REP.No.38 of 2011, on the file of the Principal Sub-Judge, Dharmapuri.

2.I have heard Mr.Sharath Chandran, learned counsel for Mrs.Gowwtham Thelak V.B, learned counsel for the petitioner and Mr.P.Valliappan, learned Senior Counsel for M/s.P.V.Law Associates for the contesting respondents 2 to 5.

3.The petitioner is the daughter of one Beeman, who was the 4th defendant in O.S.No.72 of 1994 on the file of the Sub-Court, Dharmapuri. The petitioner challenges the order passed in REA.No.3 of 2024, which is an application filed under Section 47 of CPC, challenging the executability of the decree passed in O.S.No.72 of 1994. However,



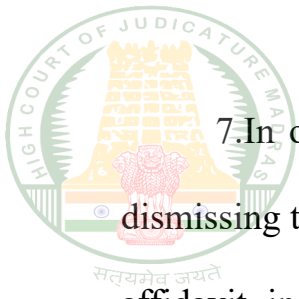
there has been a delay in approaching this Court by way of the above revision petition and the delay of 505 days is sought to be condoned.

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4.The reasons set out by the petitioner is that after the impugned order was passed, the 1st respondent had died and the respondents 2 to 5 are the legal representatives of the 1st respondent. It is claimed by the petitioner that the petitioner has been diligently contesting the execution proceedings and therefore, no serious prejudice would be caused to the respondents, if the delay in filing the revision petition is condoned. The learned counsel for the petitioner therefore prays for the delay being condoned and the petitioner be given an opportunity to contest the dismissal of the Section 47 application, on merits.

5.Per contra, Mr.P.Valliappan, learned Senior Counsel appearing for the respondents 2 to 5 would submit that the affidavit is bereft of any reasons and the revision petition itself is only an attempt to harass the respondents and protract the litigation. He would therefore prays for the condone delay application being dismissed.

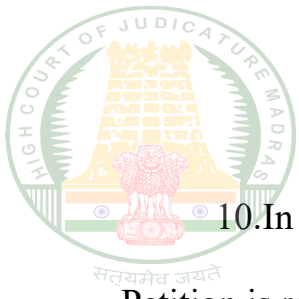
6.I have carefully considered the submissions advanced by the learned counsel for the petitioner and the learned Senior Counsel for the contesting respondents.



7. In order to explain the delay in approaching this Court, challenging the order dismissing the Section 47 application, the petitioner has not set out any valid reason. The affidavit, in fact, attempts to shift the blame on the respondents by even contending that after the impugned order came to be passed, the 1st respondent has passed away and therefore, the respondents 2 to 5 have been proceeded against in the present revision petition. This cannot be a ground for explaining the delay of more than a year and half in approaching this Court.

8. Further, merely attending to the execution proceedings diligently again is not sufficient reason enough to be accepted for condoning the delay of more than 500 days in preferring the revision petition. The entire affidavit, which was filed as a common affidavit for not only the condone delay application, but also applications to accept the cause title, dispense with production and for stay, speaks only about the merits of the proceedings and the rights of the petitioner. Unfortunately, the explanation, that is required for showing sufficient cause in order to be entitled to an order of condonation of delay is absent in the entire affidavit.

9. In view of the above, when the petitioner has miserably failed to show sufficient cause for the delay and not approaching this Court in time, I do not find any merit in the application for condonation of delay.



10. In fine, the Civil Miscellaneous Petition is dismissed and the Civil Revision

Petition is rejected at the SR stage. No costs.

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20.02.2026

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Neutral Citation Case : Yes / No

Speaking / Non-speaking order

Index : Yes/No

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To

The Sub-Court, Dharmapuri.



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P.B.BALAJI.J,

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Pre-delivery judgment made in
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