



WEB COPY

CRP No. 1142 of 2



IN THE HIGH Court OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 1142 of 2020

Centre For Human Development
and Social Change (AICUF),
No.52, Sterling Road,
Nungambakkam,
Chennai 600 034.
Rep. By Its Chairman
Prof. Syed Zafarullah.

..Petitioner(s)

Vs

1. C.Narasimman
2. M.Thangam

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 28.02.2018 passed in I.A.No.1027 of 2017 in Un-numbered OS.SR.No.1416/2012 (On the file of the Principal District Judge of Kanchipuram District at Chengalpattu.

For Petitioner(s): Mr.Ashok Menon

For Respondent(s): Mr.N.Ganeshmurthy (For R2)
R1 – Not Ready in Notice

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 28.02.2018 passed in I.A.No.1027 of 2017 in Un-numbered OS.SR.No.1416 of 2012 on the file of the Principal District Judge, Kanchipuram District at Chengalpattu.



2. Heard Mr.Ashok Menon, learned counsel for the petitioner and Mr.N.Ganeshmurthy, learned counsel for the 2nd respondent.

3. The Civil Revision Petition has been filed, challenging the order passed in the Interlocutory application filed under Section 149 CPC, seeking to condone the delay of 1,547 days in payment of deficit Court fee.

4. The learned counsel for the petitioner would submit that originally, when the suit was presented, it was returned by the Court on 06.03.2012, noting 12 deficiencies, of which the first one related to deficit Court fee. On payment of the deficit Court fee, the plaint was represented on 30.04.2012 and the same came to be returned on 04.06.2012, noting that the deficiencies pointed out in 2 to 12 had not been complied with. There was also no application for condoning the delay in re-presentation. He would submit that an application under Section 149 C.P.C., had been taken out inadvertently, stating that the delay was 1,547 days in payment of deficit Court fee, whereas in fact the actual delay was only 22 days in making good the deficit Court fee. He would submit that the learned Judge, without appreciating the correct facts, had proceeded on the footing that there was no reason attributed for the delay of 1,547 days in payment of deficit Court fee, whereas the actual delay was only about 22 days.

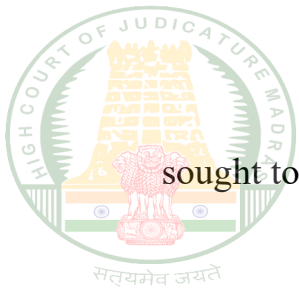


5. That apart, he would submit that in the affidavit, the delay in payment of deficit Court fee had been explained by the counsel on record for the petitioner. Hence, he seeks the indulgence of this Court.

6. Countering his arguments, the learned counsel appearing for the 2nd respondent would vehemently contest the claim that the delay of 1,547 days also includes the delay in re-presentation and not the deficit Court fee alone. He would also submit that the Court below had categorically found that no reasons had been attributed for condonation of the delay and the non-prosecution of the case for more than four years, which is wholly unjustifiable. He had also relied upon the judgment of the Hon'ble Apex Court in the case of ***A.Nawab John & Ors., Vs. V.N.Subramaniam***, reported in ***(2012) 4 CTC 206*** and the judgment of the Division Bench of this Court in C.M.P.Nos.9360 to 9362 of 1993 dated 21.07.1993.

7. The learned counsel for the 2nd respondent would also submit that he had filed a counter before the Registry yesterday and that the same may be taken on record.

8. The submission made by the learned counsel for the respondent with regard to filing of the counter yesterday is rejected, as the CRP was filed in the year 2020 and only when the matter is taken up for final hearing, the counter is



sought to be filed. Hence, the counter is not taken on record.

WEB COPY

9. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

10. The issue before this Court is with regard to the petition filed under Section 149 of CPC., seeking extension of time for payment of deficit Court fee.

11. The Hon'ble Apex Court, in the judgment relied upon by the 2nd respondent, had left it to the discretion of the Court in extending the time for payment of deficit Court fee. However, it has also laid down that such extension of time should not ordinarily be granted and that the length of the delay and the reasons attributed for such delay in payment of deficit Court fee should also be considered. Even though the petitioner had taken out an application, seeking to condone the delay of 1,547 days in payment of deficit Court fee, from the records placed before this Court, it could be seen that the actual delay is only 22 days in payment of deficit Court fee and that the delay has been explained as having been caused due to the conduct of the counsel on record.

12. This Court do not find any reason to disbelieve the affidavit filed by the learned counsel on record to substantiate extension of time. In the case before the Hon'ble Apex Court, there was a delay of 1328 days and 585 days on



two occasions in payment of deficit Court fees. However, in the present case, even though the delay as claimed is 1,547 days, this Court cannot lose sight of the fact that the actual delay is only 22 days and accordingly, this Court is of the view that the delay has been properly explained. The other judgment relied upon by the Division Bench of this Court relates to delay in re-presentation of papers, which this Court finds has not been properly explained in that case. The said judgment can be taken note of by the Court and also can be agitated by the respondent, if any application for condonation of delay in re-presentation is filed by the petitioner, while re-presenting the papers, depending upon the reasons that may be assigned for such delay.

13. In fine, the Civil Revision Petition stands allowed. Time is extended by invoking Section 149 of CPC., for payment of deficit Court fees, and the Court below is directed to receive the papers, if it is otherwise in order, and proceed further in accordance with law. No costs.

17-03-2026

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

kak

To
The learned Principal District Judge.
Kanchipuram District,
Chengalpattu.



WEB COPY

CRP No. 1142 of 2



K.KUMARESH BABU, J.

kak

CRP No. 1142 of 2020

17-03-2026