



WEB COPY

C.R.P(MD).No.2033 of 2026



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

C.R.P(MD).No.2033 of 2026

V.Jain Sherly

... Petitioner

Vs

A.Thinagar

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order passed in I.A.No.2 of 2022 in O.S.No.112 of 2012 on the file of the Principal District Court, Kanyakumari dated 06.06.2023.

For Petitioner : Mr.R.Balakrishnan

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking to condone the delay of 1757 days in filing petition to restore the suit.

2.The petitioner herein filed a suit for recovery of money against the respondent. The said suit was dismissed for default on 24.07.2017 owing to non-appearance of the petitioner. Later, the petitioner filed an application to restore the suit on 10.06.2022 with the delay of 1757 days. The said application to condone the delay was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this Court.

3.The learned counsel appearing for the petitioner by taking this Court to the averment found in the affidavit filed in support of the



condone delay petition would submit that at the relevant point of time, the petitioner was away from her native place, residing at Trivandrum in connection with her avocation and therefore, she could not appear before the Court and take necessary steps to get along with the case.

4.It is seen from the typed set of papers that the suit was dismissed for default on 24.07.2017 and the petitioner filed instant application on 10.06.2022. The reason given by the petitioner that she was away from her native place in connection with her avocation cannot be accepted as a sufficient cause for explaining the delay of nearly five years. It is also stated by the learned counsel for the petitioner that COVID outbreak prevented the petitioner from approaching the Court immediately to restore the suit. The suit was dismissed for default on July-2017. COVID outbreak had taken place only during March-2020. In such circumstances, the petitioner is unable to give any reason for the delay from July-2017 to March-2020. The Trial Court rightly appreciated the facts and dismissed the condone delay petition, as the petitioner failed to explain the inordinate delay of 1757 days. I do not find anything to interfere with the said order. Hence, this Civil Revision Petition stands dismissed. No costs.

29.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

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To

1.The Principal District Judge, Kanyakumari.

2.The Section Officer,

VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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