



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**CMP No. 18027 of 2026
in S.A.Sr.No.36001 of 2025**

1. Saroja
2. Muthulakshmi
3. Janarthanan

..Petitioners

Vs

- Asthalatchumi (died)
Raja @ Athiparanjothi (died)
1.Latchumikantham
2.Kamalakannan @ Sakthi
3.Premnath
4.Gopinath
5.Chandravadhani
6.Gnana Irudarayaraji
7.Nagarajan
8.Mayakrishnan
9.Pachaiyammal
10.Mary @ Rajeswari
11.S.Rajendran
12.N.S.Ravindran
13.N.S.Kumar
14.Kannan
15.Krishnan
16.Thanikachalam
17.Padmavathy
18.Mariyapeter Sagayaraj
19.Thirukumaran
20.Kulandaisamy
21.Arokiyasamy
22.R.Jegajothi
23.Kumari
24.Jeevanantham
25.C.Ramakrishnan

..Respondents



Prayer in CMP.No.18027 of 2026: This Civil Miscellaneous Petition is filed under Order 41 Rule 3(a) CPC r/w Section 5 of Limitation Act, to condone the delay of 6123 days in filing the above second appeal.

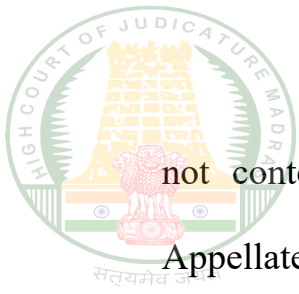
Prayer in S.A.Sr.No.36001 of 2025: This Second Appeal is filed under Section 100 of CPC, against the judgement and decree dated 14-02-2008 passed in AS.No.167 of 2006 on the file of the III Additional District Court at Pondicherry reversing the judgement and decree dated 22-01-1999 passed in OS.No.597 of 1996 on the file of the Additional Subordinate Court at Pondicherry.

For Petitioner(s): Mr.D. Senthil Kumaar

ORDER

This petition has been filed to condone the delay of 6123 days in filing the second appeal.

2. O.S.No.597 of 1996 is a suit for partition and separate possession. The Trial Court dismissed the suit. Aggrieved by the same, the respondents herein preferred a regular appeal to this Court. On account of enhancement of the pecuniary jurisdiction of the Civil Courts in Pondicherry, the appeal in A.S.No.132 of 1999 was transferred to the file of the learned District Judge, Puducherry and renumbered as A.S.No.167 of 2006. In those appeals, the petitioners herein, as stated above, were impleaded as respondents, but they did



not contest the appeal proceedings. By judgment dated 14.02.2008, the Appellate Court allowed the regular appeal, decreed the suit as prayed for and consequently, passed a preliminary decree. After a lapse of nearly 20 years, the present appeal has been presented by the appellants seeking to condone the delay of 6123 days in filing the appeal.

3. The reasons given in the affidavit to condone the delay are that the appellants caused verification of the papers and came to know that the appeal had been allowed only in 2024. Thereafter, they filed a copy application on 04.11.2024 and on receipt of the same, preferred the present appeal. Admittedly, the petitioners are strangers to the family and are *lis pendens* purchasers. They claim that only during the final decree proceedings in I.A.No.1 of 2023, did they come to know that the appeal had been allowed and a preliminary decree had been passed. When a person is arrayed as a party to the proceedings, it is expected that he or she would follow the proceedings. It is not as if the learned III Additional District Judge did not issue notice and straightaway pass an order. Notice had been issued, but the respondents took a chance in not appearing before the court. They have no one else to blame for the present circumstances other than themselves.

4. Furthermore, as *lis pendens* purchasers, they have nothing much to say on the passing of the preliminary decree, they are bound by the same. All



that they are entitled to seek is for equity before the final decree Court by seeking allotment of the properties purchased by them in favour of their vendor/sharer, thereby perfecting their title of the property. Leaving it open to the petitioner to agitate this aspect alone before the final decree court, this Civil Miscellaneous Petition is dismissed, as no sufficient cause has been made out. Consequently, the Second Appeal in S.A.Sr.No.36001 of 2025 is hereby rejected at the SR stage itself.

21-07-2026

VKR

To

- 1.The III Additional District Judge at Pondicherry.
- 2.The Additional Subordinate Judge at Pondicherry.



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CMP No. 18027 of 2



V.LAKSHMINARAYANAN, J.

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