



WEB COPY

CMP No. 13330 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 13330 of 2026 in
SA.Sr.No.117988 of 2025**

1. The Managing Director
Chennai Metro Water Supply and Sewerage
Board,
No.1, Pumping Station Road,
Chintadripet, Chennai 2
2. The Senior Accounts Officer-4
Chennai Metro Water Supply and Sewerage
Board,
Zone 4, No.10-C,
Cental; Avenue Road,
M.K.B.Nagar,Vyasarpadi, Chennai 39
3. The Assistant Engineer
Chennai Metro Water Supply and Sewerage
Board,
Division-41, C Street,
Korukkupet,Chennai 21

..Appellant(s)

Vs

1. V. Vijayan
2. V.Vijaya Chitra
3. V.Saravanan
4. V.Thulasi

..Respondent(s)



Prayer: The Civil Miscellaneous Petition is filed under Order XLI Rule 3(A) of CPCP, praying to condone the delay of 3 days in filing the above said Second Appeal.

For petitioners(s): M/s.S.Deepika

ORDER

The civil miscellaneous petition has been filed to condone the delay of 3 days in filing the above second appeal.

2. It is seen from the typed set of papers that judgment and decree of the first appellate court was passed on 17.04.2025. The copy application was made on 24.06.2025 and the copies were made ready on 01.07.2025. The second appeal was filed on 25.07.2025.

3. Registry came to the conclusion that there was a delay of 3 days by including the date of pronouncement of judgment, date of filing of copy application and the date on which the copies were made ready while calculating the limitation. However, Section 12(2) of Limitation Act makes it clear that date on which the judgment complained of was pronounced and the time required for obtaining copy of the order appealed from shall be excluded while computing the time for filing appeal.

4. The expression “time required for obtaining copy of the order” came up for consideration before the Hon’ble Apex Court in the case of ***India House Vs Kishan N.Lalwani reported in (2003) 9 SCC 393***. The relevant observation reads as follows:-



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“Although the language of sub-section (2) of Section 12 is couched in a form mandating the time requisite for obtaining the copy being excluded from computing the period of limitation, the easier way of expressing the rule and applying it in practice is to find out the period of limitation prescribed and then add to it the time requisite for obtaining the copy- the date of application for copy, and the date of delivery, thereof both included-and treat the result of addition as the period of limitation”.

5. Therefore, it is clear that date on which the copy application was made and the date on which the certified copies were made ready shall be excluded while calculating limitation for appeal apart from the date on which judgment was pronounced. If these three days are excluded while calculating limitation, the present appeal has been filed on 90th day (last day of limitation). Therefore, there is no delay in filing the above second appeal.

6. In view of the same, CMP.No.13330 of 2026 is dismissed as unnecessary and the Registry is directed to number the second appeal if it is otherwise in order.

24-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes
nr



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S.SOUNTCHAR, J.

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