



WEB COPY

CMP No. 27082 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMP No. 27082 of 2025

and

AS.Sr.No.158375 of 2025

Harikesavan,
S/o.Venugopal Naidu,
Krishnapuram Village,
Senji Post(Via), Latteri,
Katpadi Taluk,
Vellore District.

..Appellant(s)

Vs

1. Kumar,
S/o.Venugopal Naidu,
No.6, Bharathi Nagar (Near),
Vani Vidhyalaya School,
Katpadi Taluk, Vellore District.
2. Dhanalakshmi,
W/o.Rajendiran,
Krishnapuram Village,
Senji Post (Via), Latteri,
Katpadi Taluk, Vellore District.
3. Sumathi,
W/o.Venkatesan,
Krishnapuram Village,
Senji Post (Via), Latteri,
Katpadi Taluk, Vellore District.
4. Teekaraman,
S/o.Balakrishnan Naidu,
No.13, New No.4, 5th East Cross Road,
Gandhi Nagar Extension,
Gandhi Nagar, Vellore -6.
5. Geetha,
W/o.Teekaraman,
No.13, New No.4, 5th East Cross Road,
Gandhi Nagar Extension, Gandhi Nagar,



Vellore -6.

6. Devaraj,
S/o.Venugopal Naidu,
Krishnapuram Village,
Senji Post (Via), Latteri,
Katpadi Taluk, Vellore District.

..Respondent(s)

Prayer: This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, 1963, to condone the delay of 1215 days in preferring the Appeal against the order dated 02.12.2021 made in O.S.No.23 of 2017 on the file of the Additional District Judge, Fast Track Court, Vellore.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.B.Manoharan for R1 to R3
No Appearance for R4 to R6

ORDER

This application is taken out to condone the delay of 1215 days in preferring the Appeal Suit against the judgment and decree dated 02.12.2021 passed in O.S.No.23 of 2017 on the file of the Additional District Court (Fast Track Court), Vellore.

2. Law is well settled that the provisions of Section 5 of the Limitation Act,1933, have to be liberally construed so as to give an opportunity to the parties to have a decision in contest rather than denying them on mere technicalities. Law of limitation is meant to see that parties do not resort to dilatory tactics from pursuing their remedy promptly. Whether the explanation



given by the petitioner smacks of mala fides is a moot question. Law of limitation is founded on public policy, based on the maxim *interest reipublicae ut sit finis litium*, which means that it is for the general welfare that a period be put to litigation. This Court does not find any mala fides which is imputable to the applicant.

3. Accepting the averments made in the affidavit filed in support of this petition, in order to have effective justice, this Court is inclined to allow the petition on payment of costs of Rs.25,000/- (Rupees Twenty Five Thousand only) payable in favour of Cancer Institute (WIA), Gandhi Nagar Canal Bank Road, Adyar, Chennai – 20 (payable in S.B.A/c.No.149710011000002, Union Bank of India, Madhya Kailash Branch, Cancer Institute (WIA) Campus, Sardar Patel Road, Chennai-36, Branch Name and Code : 1497, MICR No.600011049, IFSC Code : UBIN0814971), on or before 02.09.2026. Failing which, this petition shall stand automatically dismissed without any further reference to this Court.

4. Report of compliance by then.

18-08-2026

MAC



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R.KALAIMATHI, J.

MAC

To

1. The Cancer Institute (WIA), Gandhi Nagar Canal Bank Road,
Adyar, Chennai – 20.

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and
AS.Sr.No.158375 of 2025**

18 -08-2026