

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.M.P.No.10007 of 2016

in

AS No.SR.27949 of 2016

S. Venkatesan

... Petitioner

vs

T. Alba also known as Swaminathan (deceased)

1. S. Devaki
2. A. Sathya
3. J. Shanthi
4. S. Sarita

... Respondents

Civil Miscellaneous Petition filed under Sec.5 of Limitation Act  
to condone the delay of 3113 days in filing the first appeal.

For Petitioner : Mr.R. Karunagaran

For 1<sup>st</sup> respondent: No appearance

For R.2 to R.4 : J. Ramakrishnan

**ORDER**

There is a delay of 3113 days in filing the first appeal, challenging the preliminary decree dated 29.06.2007 passed in the suit in O.S.No.7165 of 2005 on the file of VI Additional Judge, City Civil Court, Chennai.

2. In spite of the fact that the delay is inordinate, the petitioner/appellant has not explained the reasons for the delay in a proper manner. In fact, absolutely, there is no reasoning given by the petitioner in the affidavit, filed in support of the petition, for the delay.

3. It is a settled position that unless the petitioner, seeking for condonation of delay, gives sufficient cause for the delay, the delay should not be condoned. In the case on hand, the petitioner has not given any reason for condoning the inordinate delay of 3113 days. The ratio laid down by the Hon'ble Supreme Court in the judgment reported **in 2015 (1) SCC 680 (H. Dohil Constructions Company Private Limited vs Nahar Exports Limited and another)** squarely applies to the facts and circumstances of the present case.

4. Since the petitioner has not given any reason for condoning the delay, the petition deserves to be dismissed. Accordingly, the petition stands dismissed. No costs. Consequently, AS No.SR.27949 of 2016 is rejected.

23-08-2016

sr

Index:no  
website:yes

To

The VI Addition Judge, City Civil Court, Chennai.

**M. DURAISWAMY,J.,**

sr

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