

C.M.P.No.10392 of 2019
in
S.A.Sr.No.53979 of 2019

K.KALYANASUNDARAM, J.

This Civil Miscellaneous Petition is filed to condone the delay of 1000 days in filing the above Second Appeal.

2. Mr.Y.Jyothish Chander, learned counsel for the petitioners would submit that after dismissal of the appeal suit on 07.06.2016, the petitioners have paid a sum of Rs.40,000/- to Mr.E.Sivanandan, Advocate to prefer the Second Appeal along with necessary papers. It is further contended that the same counsel appeared for the petitioners in CrI.OP.No.8660 of 2015 and the petitioners were informed that the Second Appeal was filed, later they came to know that the Second Appeal was not filed and hence, the delay. The learned counsel for the petitioners would further submit that the first respondent died without any legal heirs.

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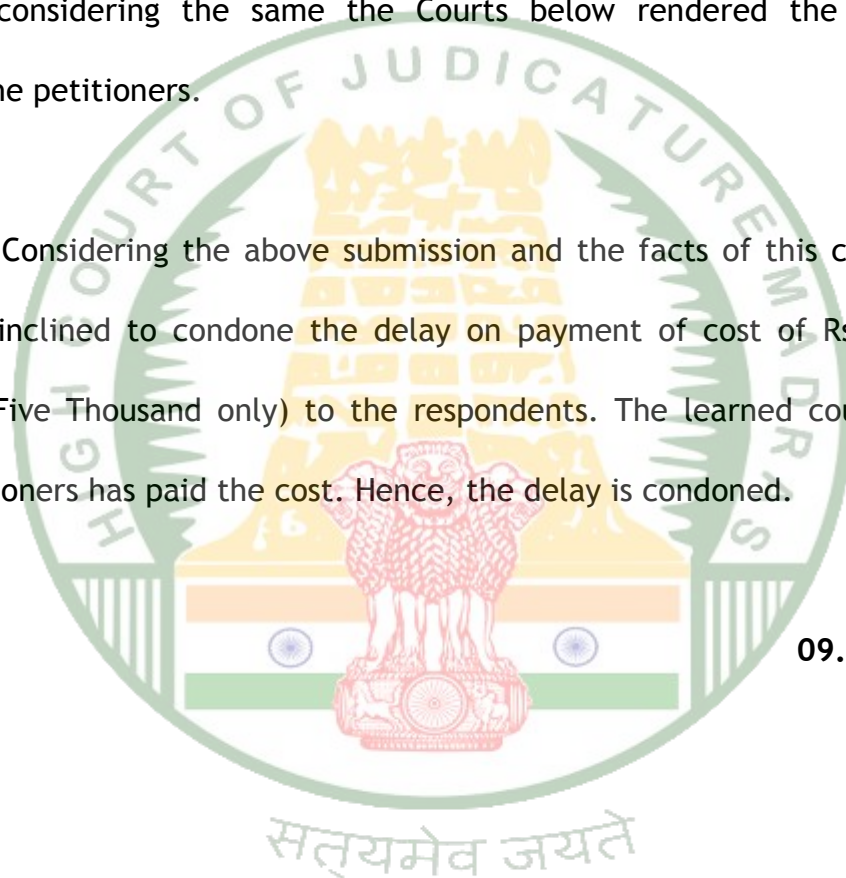
3. Mr.R.Thanjan, learned counsel for the respondents 2 to 8 would submit that the petitioners have not shown sufficient cause for condoning the delay.

4. In reply, the learned counsel for the petitioners would argue that the suit was filed for bare injunction in respect of 61 cents and the respondents have also admitted the possession of the petitioners, but, without considering the same the Courts below rendered the findings against the petitioners.

5. Considering the above submission and the facts of this case, this Court is inclined to condone the delay on payment of cost of Rs.5,000/- (Rupees Five Thousand only) to the respondents. The learned counsel for the petitioners has paid the cost. Hence, the delay is condoned.

09.01.2020

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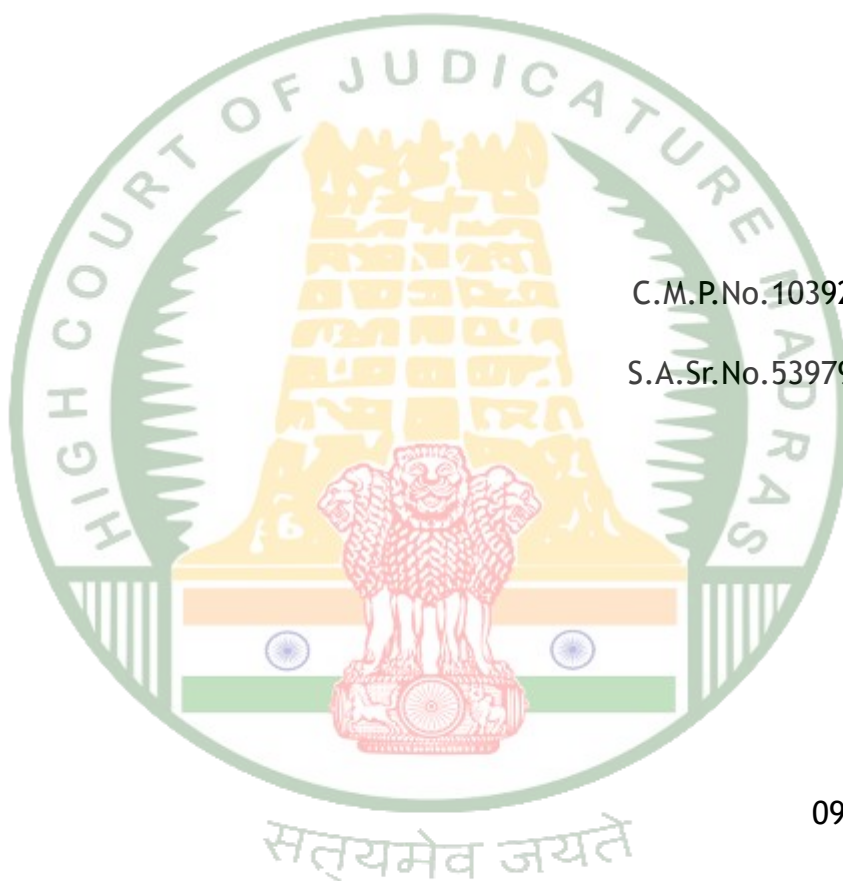


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