

CMP No.24749 of 2019
in SA SR No.127854 of 2019

R.SUBRAMANIAN.J.,

This civil miscellaneous petition has been filed seeking condonation of delay of 1100 days in filing the Second Appeal. The only reason assigned for the delay is that the appellants attempted to negotiate settlement with the respondents, after the judgment and decree of the first Appellate Court. It is also averred that the other sister, who figures as second respondent in the Appeal, had accepted an out of Court settlement and had received a sum Rs.2,00,000/- in full quits towards her share. In view of the same, the petitioners would contend that they attempted to settle the issue with the plaintiff also. According to them, the plaintiff originally agreed for such settlement which necessitated them to file the above appeal with the delay.

2. The first respondent/plaintiff has filed a counter refuting the averments contained in para 12 of the affidavit relating to the proposal for settlement. It is also stated that only after notice in the execution petition was served, the petitioners have come up with this petition with

false reasons. The suit is one for partition between the brothers and sisters. Admittedly, one of the sisters had received monetary compensation and had released her rights in favour of her brothers. A Will set up by the brothers has also been disbelieved by the Courts below.

3. Considering the nature of the dispute and the fact that the delay not malafide, I am of the considered opinion that the delay could be condoned, subject to the condition the petitioners pay a sum of Rs.5,000/- as costs to the counsel for the first respondent on or before 03.04.2020.

4. Post “for reporting compliance” on 07.04.2020.

jv

WEB COPY 16.03.2020

CMP.No.24749 of 2019
in SA SR No.127854 of 2019

R.SUBRAMANIAN.J.,

jv



CMP No.24749 of 2019
in SA SR No.127854 of 2019

WEB COPY 16.03.2019