

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CMP.No.2400 of 2021 in A.S. SR.No.1924 of 2021

S.M.Sigamani ... Petitioner/Appellant
sought to be preferred in
AS.SR.No.1924 of 2021

-vs-

Sathyamangalam Municipality,
Sathyamangalam,
Erode District,
represented by Commissioner ... Respondent/Respondent
sought to be preferred in
AS.SR.No.1924 of 2021

Civil Miscellaneous Petition filed under Order 41 Rule 3(A) of C.P.C. praying to condone the delay of 365 days in filing the above appeal sought to be preferred against the judgment and decree dated 06.10.2018 passed in O.S. No.17 of 2017 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, Erode District before this Court.

For Petitioner : Mr.C.Vasudevan

ORDER

This Civil Miscellaneous Petition has been filed to condone the huge and un-explained delay of 365 days in filing the appeal against the impugned judgment and decree dated 06.10.2018 passed by the learned III Additional District and Sessions Judge, Gobichettipalayam, Erode, in O.S.No.17 of 2017 directing the petitioner/defendant to pay the decree amount in the money suit for a sum of Rs.25,22,751/- with interest at the rate of 6% per annum.

2.When the impugned judgment was passed on 06.10.2018 in O.S.No.17 of 2017, it is not known why the petitioner/defendant, having suffered a money decree, has approached this Court with huge delay. The affidavit filed in support of the petition to condone the delay also shows no sufficient cause except saying that the petitioner/defendant before the Trial Court got the printed

copy of the judgment on 07.01.2019, as a result, he was unable to contact his counsel at Chennai, since he was suffered with severe hypertension coupled with diabetic, for which he was taking treatment in Kerala. But the affidavit is so bald to say no such documentary evidence to show that he took treatment in Kerala. Since the petitioner has applied one another delay tactics to drag on the matter, we are not inclined to accept the above reasons to condone the huge and unexplained delay of 365 days.

3.In the result, the Civil Miscellaneous Petition fails and the same is accordingly dismissed. Consequently, connected A.S. SR.No.1924 of 2021 is rejected.

Sd/-

Assistant Registrar (CS.VI)

/True Copy/

Sub Assistant Registrar

To

The III Additional District and Sessions Judge,
Gobichettipalayam, Erode District.

Copy to : The Assistant Registrar
A.E. Main Section,
High Court of Madras,
Chennai -104.

AKM/16.03.21/2P- 3C/

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