

**C.M.P. No.7446 of 2021**

**in**

**S.A.No.SR5266 of 2021**

**P.T.ASHA,J**

The above application has been filed for condoning the delay of 1059 days in filing the above second appeal.

2. It is stated that originally the appellants and respondents 5 and 6 were contesting the suit jointly and it is also informed that they had entrusted the task of filing the Second Appeal to their brother Mr.Murali, the sixth respondent herein.

3. The learned counsel for the appellants would submit that they were under the impression that the Appeal had been filed by the said Murali. It was only when they came to know that the said Murali had purchased 50% of the undivided share from the plaintiffs that they entertained a suspicion and made enquiries. Thereafter, they came to learn that the appeal had not been processed. However, the learned counsel appearing in the connected Second Appeal S.A.SR.No.40095 of 2017 which has been filed by the learned counsel Ms.A.L.Ganthimathi has informed that originally the case had been entrusted to her by the petitioners as well as

respondents 5 and 6 and she has filed the appeal in time. However, in view of the disputes that have subsequently arisen between the brothers, the papers are yet to be represented, since, there were some corrections to be made in the decree. Be that as it may, she has stated that she has given change of vakalat to the petitioners herein whom she says that she would transpose as respondents in her Second Appeal.

4. Considering the fact that one second appeal is filed in time and it is only in numbering the appeal, there has been a delay and sufficient reasons have been given by the petitioners for condoning the delay in filing the second appeal and this petition is ordered and the delay is accordingly condoned.

**24.08.2021**

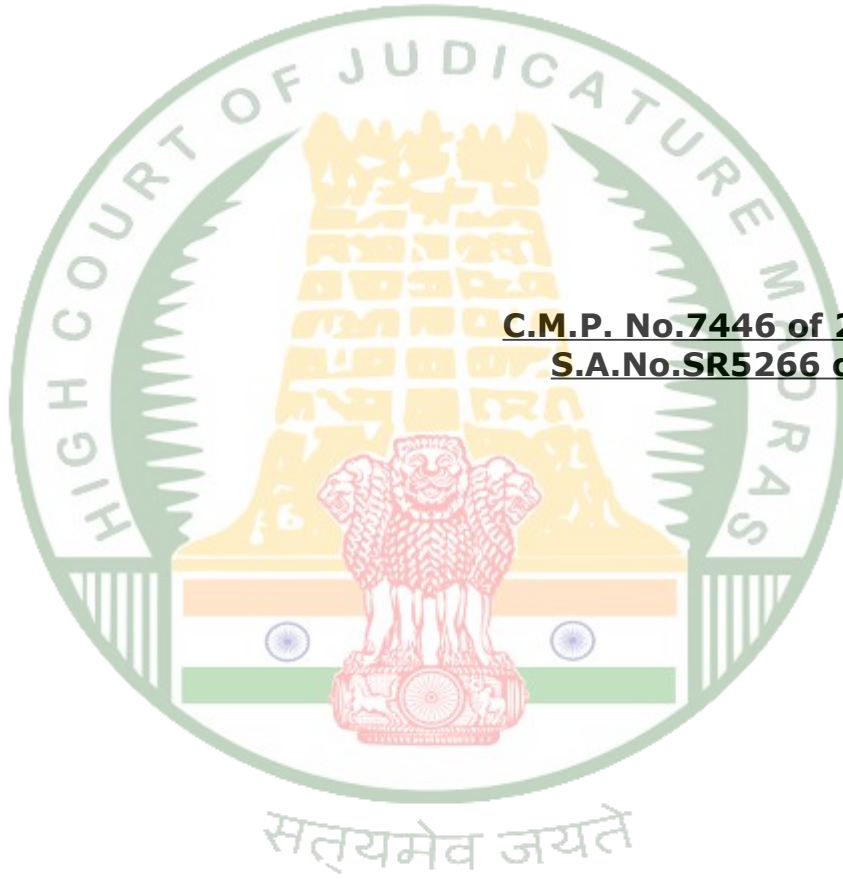
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