

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Third day of August Two Thousand Twenty One

PRESENT

THE HON`BLE MS. JUSTICE P.T.ASHA

CMP.No.3352 of 2021

in SA.No.SR64966 of 2014

1 D. DAKSHINAMOORTHY [PETITIONERS]

2 D. KAMALANATHAN

Vs

A. DEVAKIRUBAI (DIED)

B. AROKIASAMY (DIED)

1.SARA [RESPONDENTS]

2 EMILI ESSIBA

3 GEORGE ISAC NEWTON

4 SUNDAR SINGH

5 JESI ARUNODHAYAM

6 LIDIYA SELVAKUMARI

7 CHRISTOPER GNANAOLI

8 JOY CHOKKITI

9 DHEBORAH RATHINAMALAI

ABITHAMBAL (DIED)

PAPPATHI (DIED)

10 D.KOTTIESWARI

11 R EZHILARASI

12 P MAHALAKSHMI

13 R SHANTHI

14 J BHUVANESWARI

15 R PADMAVATHY

16 K KANMANI

17 G SANTHOSH

18 K LATHA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1824 days in representing the above Second Appeal Sr.No.64966 of 2014 on the file of this Honble Court [in SA.No.SR64966 of 2014].

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.VELMURUGAN, Advocate for the petitioner and of MR.D.BALU VARADHARAJAN, for the 7th Respondent, the court made the following order:-

The above application has been filed for condoning the delay of 1824 days in representing the above second appeal.

2. The reasons for the delay in representing the papers, has been brought out by the petitioners in the better affidavit signed on 21.08.2021 and filed before this Court on 23.08.2021. In the affidavit filed in support of the said petition, it is stated that the entire proceedings were being handled by the father of the petitioners herein, who had handed over the same to the counsel in 2014 itself. Despite regular follow up, the appellant's father was given to understand that the Second appeal would be numbered and listed, he was taken in by the representation made by the counsel. Meanwhile their father had also passed away. Thereafter, the petitioner had tried to get in touch with the counsel engaged by their father. Initially he had responded thereafter the counsel stopped responding the calls. The petitioner thereafter approached the counsel directly and took the return of the papers when they were informed that the decree required correction. Thereafter, the same was corrected and handed over to the present counsel. In fact, the appellant was able to contact their present counsel in person only in the month of November 2020 and he immediately moved to have the papers represented and in the process of delay had occurred.

3. It is no doubt true that the delay in representing the papers is enormous. However, sufficient reasons have been given for the delay. Consequently, the delay is condoned, however, on condition that the petitioner deposits a sum of Rs.5,000/- (Rupees five thousand only) to the Chief Justice Relief Fund, Madras High Court, Chennai on or before 31.08.2021.

Post the matter on 01.09.2021 for reporting compliance.

-sd/-
23/08/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE,
POONAMALLEE

2 THE DISTRICT MUNSIF JUDGE,
POONAMALLEE

3 THE SECTION OFFICER,
ACCOUNTS SECTION,
HIGH COURT,
CHENNAI 104.

Order

in
CMP.No.3352 of 2021
in SA.No.SR64966 of 2014

Date :23/08/2021

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RA 27/08/2021