



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Civil Appellate Jurisdiction )

Wednesday, the Ninth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.S.SUNDAR

CMP.NO.6640 OF 2021

IN SA.SR.NO.22499 OF 2021

BERACHAH PRAYER GROUP AND [ PETITIONER ]  
PRAYER HOUSE BY ITS, SECRETARY M.KUMAR,  
NO.2/4 RAJAJI NAGAR, THIRUVOTTIYUR,  
MADHAVARAM FIRKA, AMBATTUR TALUK,  
CHENNAI - 600019.

Vs

1 AUDHIMOOLAM S/O.RAMALINGAM, [ RESPONDENTS ]  
SRI RAMASAMY MUDALIAR NAGAR,  
THIRUVOTTRIYUR, AMBATTUR TALUK,  
MADHAVARAM TALUK, CHENNAI - 600019.

2 ELUMALAI S/O.GOVINDAN,  
SRI RAMASAMY MUDALIAR NAGAR,  
THIRUVOTTRIYUR, AMBATTUR TALUK,  
MADHAVARAM TALUK, CHENNAI - 600019.

3 RADHAKRISHNAN S/O.CHAKRAPANI,  
SRI RAMASAMY MUDALIAR NAGAR,  
THIRUVOTTRIYUR, AMBATTUR TALUK,  
MADHAVARAM TALUK, CHENNAI - 600019.

4 SUNDARAMOORTHY S/O.NAGAPPAN,  
NO.2, NEHRU NAGAR, THIRUVOTTRIYUR,  
MADHAVARAM TALUK, CHENNAI - 600019.

5 THE ASHOK LEYLAND EMPLOYEES  
CO-OPERATIVE INDUSTRIAL HOUSING SOCIETY LTD  
BY ITS PRESIDENT. SRI RAMASWAMI NAGAR,  
THIRUVOTTRIYUR, MADAVARAM FIRKA,  
CHENNAI - 600019.

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 259 days in filing the second Appeal against the Decree and Judgment dated 10.04.2019 made in A.S.No.11 of 2011 on the file of Subordinate Judge, Ponneri in modifying Decree and Judgment dated 04.06.2010 made in O.S.No.1218 of 1997 on the file of District Munsif Court, Thiruvottriyur (in CMP.NO.6640 OF 2021).



Order: This miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.SUNDARAMURTHY, Advocate for the petitioner and of M/S.S.N.RAVICHANDRAN, Advocate for the Respondents, the court made the following order:-

This petition has been filed to condone the delay of 259 days in filing the Second Appeal against the decree and judgement dated 10.04.2019 made in A.S.No.11 of 2011 on the file of the learned Subordinate Judge, Ponneri in modifying decree and judgement 04.06.2010 made in O.S.No.1218 of 1997 on the file of the District Munsif Court, Thiruvottriyur.

2. Though the petitioner has not given any reasons in the original affidavit filed in support of the petition, an additional affidavit is filed earlier on 27.08.2021. Since this Court once again directed the petitioner to file another better affidavit, a second better affidavit is also filed before this Court. Since the reasons are plausible, this Court is unable to discard them merely because the Petitioner has not proved every reasons stated in the affidavit filed in support of the petition. Though there is a delay of 259 days, this Court is of the view that it can be condoned in the interest of justice so that the petitioner will get a fair opportunity to conduct the case on merits.

3. Learned counsel appearing for the respondent submitted that the delay has not been properly explained despite giving several opportunities to the petitioner.

4. The petitioner appears to be a religious organisation under the headship of a lady who is more than 80 years old. Though the reasons are convincing to this Court, the delay could have been avoided if due diligence is shown by the petitioner. Hence, this Court is inclined to allow the petition on terms. Accordingly, the petition to condone the delay is ordered on condition that the petitioner shall pay a sum of Rs.2,000/- to the Tamil Nadu State Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this order.

5. Registry is directed to print the name of Mr. S.N.Ravichandran, as counsel for the respondent in the cause-list, when the appeal is listed for admission.

-sd/-

09/03/2022

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,  
PONNERI.



2 THE DISTRICT MUNSIF,  
THIRUVOTTRIYUR.

COPY TO

THE SECRETARY  
TAMIL NADU STATE LEGAL SERVICE AUTHORITY,  
HIGH COURT BUILDING,  
HIGH COURT, MADRAS-104.

Order

in  
CMP.NO.6640 OF 2021

IN SA.SR.NO.22499 OF 2021

Date :09/03/2022

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