



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of March Two Thousand Twenty Two

PRESENT

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

CMP.NO.4844 OF 2022

IN SA.SR.NO.95777 OF 2019

VENKIDUSAMY S/O.LATE RAMAN [PETITIONER]
ATTAMOKKAI COLONY, KOMALI THOTTAM,
CHIKKARASAMPALAYAM VILLAGE,
SATHYAMANGALAM TALUK, ERODE DISTRICT.

Vs

KARUPPASAMY S/O. RANGAN, [RESPONDENT]
ATTAMOKKAI COLONY,
KOMALI THOTTAM, VADAVALLI POST,
CHIKKARASAMPALAYAM VILLAGE,
SATHYAMANGALAM TALUK, ERODE DISTRICT.

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 935 days in representing the above appeal in S.A.SR.No.95777 of 2019 (in CMP.NO.4844 OF 2022).

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 MR.B.KUMARASAMY, Advocate for the petitioner, the court made the following order:-

The present miscellaneous petition is filed to condone the delay of 935 days in representing the Second Appeal.

2.Heard Mr.B.Kumarasamy, learned counsel appearing for the petitioner.

3.In para 3 of the affidavit filed in support of the petition, the petitioner has given sufficient reasons for the delay. It is stated that the appeal was filed on 26.07.2019 and the same was returned on 07.08.2019 for complying with certain defects. It is further stated that the returned papers got mixed up with some other case papers, when there was shifting of office of the learned counsel for the appellant. Stating that the papers could be retraced and represented only on 07.03.2022, it is stated that the delay in representation is neither wilfull or not.



3. Though the delay is inordinate, the petitioner has given sufficient reasons for the delay in representing the Second Appeal. This Court is of the view that the delay could have been avoided if the petitioner has shown due diligence.

4. Hence, this Court is inclined to allow this petition on terms.

5. Accordingly, the Civil Miscellaneous Petition is ordered and the delay of 935 days in representing the Second Appeal is condoned subject to the condition to the petitioner pays a sum of Rs.2,500/- [Rupees Two Thousand and Five Hundred only] to the Tamil Nadu State Legal Services Authority, High Court, Madras within a period of two weeks from the date of receipt of a copy of this order.

-sd/-

24/03/2022

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,
SATHYAMANGALAM.

2 THE DISTRICT MUNSIF,
SATHYAMANGALAM.

COPY TO

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

Order
in
CMP.NO.4844 OF 2022

IN SA.SR.NO.95777 OF 2019

Date :24/03/2022

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