



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

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

CMP.No.6789 of 2022

in SA.SR.No.107466 of 2018

1 C.M.SARATHAMMAL [PETITIONERS]

2 C.M.DAYALAN

3 MOHANATHAN

ALL ARE RESIDING AT SAKTHI AMMAN KOIL STREET,
AMMYARKUPPAM,
PALIPATTU TALUK, THIRUVALLUR DISTRICT.

Vs

N.NALLATHAMBI KUMAR [RESPONDENT]

SAKTHI AMMAN KOIL STREET,
AMMYARKUPPAM,
PALIPATTU TALUK, THIRUVALLUR 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 in representation of 1248 days in Second Appeal in S.A.SR.No.107466/2018(CMP.No.6789 of 2022)

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 M/S.K.SANKARAN, Advocate for the petitioners, the court made the following order:-

This petition is filed to condone the delay of 1248 days in representing the papers in the above second appeal.

2. Heard Mr. K.Sankaran, learned counsel for the petitioner.

3. Though the petitioner has given plausible reasons for the delay in representing the above second appeal in the affidavit filed in support of the petition, this Court is of the view that the delay could have been avoided by showing due diligence. However, this Court has no material to term such negligence as wilful or wanton. Having regard to the peculiar circumstances in this case, this Court is inclined to allow this petition subject to terms.



4. Accordingly, the Civil Miscellaneous Petition is ordered and delay of 1248 days in representing the above second appeal is condoned subject to condition that the petitioner pays a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred Only), 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.

-sd/-
22/04/2022
/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,
TIRUTTANI.

2 THE DISTRICT MUNSIF,
PALLIPATTU.

COPY TO

THE SECRETARY,
THE TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
HIGH COURT, CHENNAI-104.

C.C. to M/S.K.SANKARAN Advocate SR.NO.3309/2022

Order
in
CMP.No.6789 of 2022

in SA.SR.No.107466 of 2018

Date :22/04/2022

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GS(28/04/2022)