



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Eighth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.DURAI SWAMY

and

THE HON`BLE MRS.JUSTICE T.V.THAMILSELVI

CMP.No.19366 of 2021

in AS.SR.No.80735 of 2021

G.KALLIAMMAL

[PETITIONER]

Vs

1 PALLIKOODATHAN @ RAMASAMY

[RESPONDENTS]

2 GOVINDHAN @ GOVINDHASAMY

3 KANTHAMMAL

4 VARATHARAJI

5 SAKUNTHALA

6 PUSHPA

7 PONNURANGAM

8 VASUKI

9 J.K. @ JAYAKRISHNAN

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 559 days in presenting the Memorandum of Appeal in A.S.S.R.No.80735 of 2021(CMP.No.19366 of 2021)

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.V.RAGHAVACHARI, Advocate for M/S.B.K.GIRISH NEELAKANTAN, Advocate for the petitioner and of M/S.M.PREM KUMAR, Advocate for 1st Respondent and of M/S.K.UMA, Advocate for 8th Respondent and of M/S.MUMTAJ SURYA, Advocate for 9th Respondent, the court made the following order:-



There is a delay of 559 days in filing the appeal.

2. In the affidavit filed in support of the petition, the petitioner has stated that she was suffering from vision impairment and was advised to undergo eye surgery and she underwent eye surgery in September 2019 and was recovering from the same. That apart, in the additional affidavit dated 05.03.2022, it has been stated that when the suit was pending and when she was attending the Court despite the threat to her life by the husband of the 8th respondent in the year 2015, the husband of the 8th respondent stabbed her with deadly weapon and a complaint was registered in Cr.No.2 of 2015 in Yellagiri Hills Police Station. Further, she has stated that due to Covid-19 pandemic, she was not able to file the appeal within the period of limitation, hence, after the lifting of lock down, she proceeded with the filing of the appeal, hence, there is a delay of 559 days.

2. The learned counsel for the 8th respondent submitted that the petitioner has not explained the reasons in a proper manner.

3. However, we are satisfied with the reasons stated in the affidavits filed in support of the petition. However, since the delay is on the higher side, we are of the considered view that the same can be condoned on payment of costs. Accordingly, the delay of 559 days in filing the appeal is condoned on condition the petitioner paying a sum of Rs.5,000/- (Rupees five thousand only) to the respondents 1, 8 & 9, equally, within a period of one week from the date of receipt of a copy of this order.

The petition is ordered.

-sd/-
08/03/2022
/ TRUE COPY /

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

TO

THE III ADDITIONAL DISTRICT JUDGE,
VELLORE @ THIRUPATHUR.

Order
in
CMP.No.19366 of 2021
in AS.SR.No.80735 of 2021

Date : 08/03/2022

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