



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Eighth day of January Two Thousand Twenty Two

PRESENT

THE HON`BLE MR JUSTICE S.S.SUNDAR

CMP No.20110 of 2021

in CROS.OBJ.SR.NO.91569 OF 2021

K.V.KIRUBANANDAM

[PETITIONER]

Vs

1 K.V.NARASIMMAMURTHY

[RESPONDENTS]

2 K.V.KESAVAMURTHY

3 K.V.KRISHNAMURTHY

4 K.V.DEVASENA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay 535 days in filing the cross objection in SR.No.91569 of 2021 (in CMP No.20110 of 2021 in CROS.OBJ.SR.NO.91569 OF 2021)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.MOHANAMURALI, Advocate for the petitioner and of MR.A.GAUTHAMAN Advocate for 1st respondent and MR.P.A.CHIITRAMANI Advocate for 2 to 4 respondents the court made the following order:-

This Petition is to condone the delay of 535 days in filing the Cross Objection.

2.In the affidavit filed in support of the petition, the petitioner/cross appellant has stated that the petitioner received copies of notices in the Civil Miscellaneous Petition but not copies of the grounds and affidavit while receiving the notices from the learned counsel appearing for the appellant. It is case that Court Notice was not served. It is further stated that due to COVID-19 the petitioner is unable to contact his counsel to give



proper instruction for filing Cross Objection without delay.

3. Since the petitioner has given reasons to the satisfaction of this Court and also shown sufficient cause for the delay, this Court is inclined to order this petition. Since the delay could have been avoided, this Court is of the view that the petition can be ordered on payment of cost.

4. Accordingly, the petition is ordered subject to the condition, that the petitioner shall pay a sum of Rs.3000/- [Rupees Three Thousand Only] to the 1st respondent within two days from the dated of receipt of a copy of this order.

-sd/-

28/01/2022

/ TRUE COPY /

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

TO

THE II ADDITIONAL DISTRICT JUDGE,
VELLORE AT RANIPET,
VELLORE DISTRICT.

Order

in

CMP.20110/2021

in CROS.OBJ.SR.NO.91569 OF 2021

Date :28/01/2022

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