



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.5346 of 2021
IN
AS(MD) SR.No.14012 of 2021

1 S.KANNAN
2 S.JOTHYRAJ
3 S.GOWRI
4 S.GEETHA
5 S.NARMATHA

... PETITIONERS/APPELLANTS

Vs

1 S.JAYALAKSHMI
2 S.CHANDRA MOHAN
3 P.VIJAYALAKSHMI

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the delay of 3429 days in filing this First Appeal.

PRAYER IN AS(MD) SR.No.14012 of 2021:

To set aside the judgment and decree passed in O.S.No.101 of 2008 on the file of I Additional District Judge, Madurai dated 08.06.2011 with regard to "A" Schedule.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.C.HEROLD SINGH, Advocate for the petitioner and of MR.R.SURIYA NARAYANAN, Advocate on behalf of the 3rd Respondent, the court made the following order:-

This application is filed seeking condonation of delay of 3429 days in filing the appeal.

2.The delay is inordinate. According to the petitioners, they had entrusted the papers with one Ganapathy, Advocate, who assured that the appeal has been filed. Only after the death of the said



Ganapathy, did they came to know that appeal has not been filed.

3.The suit was decreed on 08.06.2011. This appeal has been filed only on 01.03.2021. The delay is almost 10 years. The explanation offered at paragraph-6 of the affidavit is wholly insufficient to condone such a long delay. The reasons assigned do not inspire the confidence of the Court. The petitioners are expected to be more vigilant in prosecuting the appeal, they cannot wake up from deep slumber after 10 years and blame the counsel.

4.This Court and the Hon'ble Supreme Court have repeatedly held that it is the duty of the litigant to follow up the case diligently. Hence, this petition is dismissed.

sd/-

25/02/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE I ADDITIONAL DISTRICT JUDGE,
MADURAI.

ORDER
IN
CMP(MD) No.5346 of 2021
IN
AS(MD) SR.No.14012 of 2021
Date :25/02/2022

RS/VR/SAR.1(08.03.2022) 2P-3C