



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.M.P(MD).No.8060 of 2021
in A.S(MD).No.SR 36892 of 2021

1. M.Premalalitha
2.M.Selvapriya

..Petitioners/ Appellants

Vs.

T.Hyder Ali

.. Respondent/ Respondent

Prayer : This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 454 days caused in preferring the appeal against the decree and judgment passed by the Principal District Judge, Theni in O.S.No.57 of 2013 by the order dated 19.09.2018.

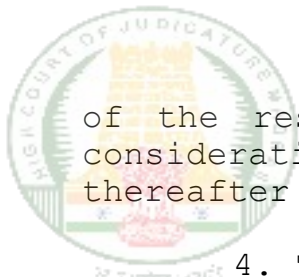
For Appellants	: Mr.N.Ananthapadmanabhan
For Respondent	: Mr.A.Arumugam for M/s.Ajmal Associates

ORDER

This petition has been filed to condone the delay of 454 days in filing the appeal.

2. The main contention of the petitioners/appellants is that they came to know about passing of final decree in the suit only on 28.06.2021. It is further submitted that due to ill-health of the first petitioner and her counsel, they are not in a position to know about the stage of the suit proceedings at the relevant point of time. However, it is pointed out by the learned counsel for the respondents that as early as in the year 2020 the execution proceedings were filed and the first petitioner has made her appearance through her counsel.

3.It is seen from the daily status of the execution proceedings filed in this connection in E.P.No.386 of 2019 on 17.02.2020 itself, the first petitioner had made her appearance through her counsel Thiru.S.Manoharan and the same counsel had undertaken to file vakalat for the second petitioner. Having said so, it is not fair on the part of the petitioners to state that they had knowledge about the decree only on 28.06.2021. Only in the presence



of the respondent, the petitioners herein paid the balance sale consideration and got the sale deed executed through Court and thereafter execution proceedings got terminated.

4. The petitioners seems to have filed this Appeal just as an afterthought and not due to their gaining knowledge of the decree later. Since the reasons stated by the petitioners to condone the delay is not acceptable, I do not prefer to allow the petition.

5 . In the result, this miscellaneous petition is dismissed and the First Appeal is rejected in the SR stage itself.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TTA

To

Principal District Judge,
Theni.

+1. CC to M/S.AJMAL aSSOCIATES Advocate SR.No.5773

C.M.P(MD) .No.8060 of 2021
in A.S(MD) .No.SR 36892 of 2021
10.02.2022

RD(17.03.2022) 2P 3C