



C.M.P.Nos.4555, 3465 & 4571 of 2023

IN

O.S.A.SR.Nos.37922, 37919 & 37920 of 2022

R. MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

These petitions are filed by the petitioners/appellants seeking to condone the delay of 48 / 22 / 60 days in filing the above Original Side Appeals.

2. Heard Mr.R.Thiagarajan, learned counsel appearing for the petitioners/appellants submitted that the above appeals have been preferred enclosing web copy of the order and the same were returned by the Registry, for certain compliance. He further submitted that while re-presenting the appeal papers, the web copy of the order was replaced by the certified copy of the same. Thus, the delay occurred is neither wilful nor wanton, but only due to obtaining the certified copy of the order and therefore, the same may be condoned.

3. Mr.K.Ananthakrushnan, learned counsel for the 1st respondent strongly opposed these petitions, stating that his client who is a sexagenarian, having age related ailments, is further suffering without having the case progressed, for having her rightful claim of the property and the mediation as well as other attempts, ended in vain. He further submitted that these petitions seeking condonation of delay are nothing but a delay tactics. It is also submitted that the petitioners have not even added the required legal heirs in the original side appeals.



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4. In reply, Mr.R.Thiagarajan, learned counsel for the petitioners submitted that steps will be taken to place all the legal heirs on record and these original side appeals can be considered, purely on merits.

5. Heard Mr.C.Jagadish and Mr.R.V.Agilan, learned counsels appearing for R3 to R6 as well as Mr.P.J.Rishikesh, learned counsel appearing for R7. Despite service of notice on the 2nd respondent and her name having been printed in the cause list, there is no representation on behalf of her.

6. Considering the reasons stated in the affidavit filed in support of these petitions and also taking note of the submissions made by the learned counsel appearing for all the parties, the delay is condoned and these petitions are ordered accordingly.

7. Registry is directed to number the appeals, if the same are otherwise in order and post the matters along with O.S.A.Nos.39 and 83 to 85 of 2023. The application for impleading the necessary parties / legal heirs of the deceased, be filed, within a week's time.

gya

[R.M.D., J.] [M.S.Q., J.]
23.08.2023

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