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C.M.P.Nos.26504 and 26510 of 2023
in
S.A.Nos.1147 and 1148 of 2007

C.KUMARAPPAN, J.,

The learned counsel for the petitioner would submit that they want to file additional grounds in second appeal.

2. The learned counsel for the respondent has submitted that though this Court has competent under Order 41 Rule 3 CPC, either for rejection or returned to the appellant for the purpose of being amended, in view of the long delay since the filing of the appeal there is no reason to dismiss the application after the lapse of two decades.

3. Hence, in the interest of justice and to have a disposal on merits, instead of proceeding the matter on technicalities, in order to proceed on merits and to advance the substantial justice, to both parties, this Court after considering the submissions of the learned counsel of both sides, deem it appropriate to allow these petitions.



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C.KUMARAPPAN, J.,

ssn

4. In the result, both the petitions are allowed.

5. Registry is directed to amend the appeal memorandum and post the case on 28.11.2023.

20.11.2023

ssn

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