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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-12-2024**

CORAM

HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP. 19950 of 2022 and SA SR. 28586 of 2021



1. RAJENDRAN

Appellant

Vs

JAYAKUMAR(DIED)

1. Rajaram

Kathirvel(Died)

Jagadeesan(Died)

2. Padmavathi

3. Susheela

4. Sathiyathanam

5. Jayapriyan

6. Vijayan

7. Dhanasekaran

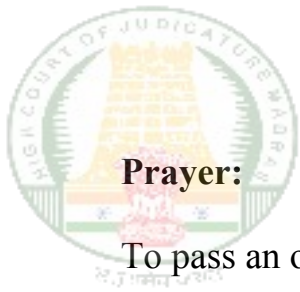
8. Anandajothi

9. Sarasu @ Hemavathy

10. Kaneeth @ Kanishkar

11. Ramnath

12. Minor Abinaya



Prayer:

To pass an order to condone the delay of 928 days on filing the Second Appeal to set aside the decree and Judgment passed in A.S.No.16/2015 dated 05.10.2018 on the file of II Additional District Court, Chidambaram

For Petitioner ; Mr.M.Prabhakar

O R D E R

This Civil Miscellaneous petition has been filed seeking to condone the delay of 928 days in filing the above Second Appeal against the judgment and decree dated 05.10.2018 passed in A.S.No.16 of 2015, on the file of II Addl. District Court at Chidambaram confirming the judgment and decree passed in O.S.No.120 of 2011 dated 06.07.2012 on the file of Sub-Court, Chidambaram.

2. Mr.M.Prabhakar, learned counsel for petitioner submitted that due to lack of communication as well as due to illness, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the second week of June 2021, he handed over papers to counsel on record, but after making it ready the appeal papers, by oversight he was not able to file the same within time and the second appeal was filed on 12.03.2021. Hence, there is a delay of 928 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above



second appeal.



3. Despite paper publication was issued for the respondents, there is no representation on their side.

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4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and to give one more opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.1000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 08.01.2025.

(TVTSJ)

05-12-2024

Index: Yes/No

Internet: Yes

Speaking/Non Speaking

RPP