



WEB COPY



C.M.P. No. 7084 of 2024
in S.A.SR.No.34973 of 2024

C.M.P. No. 7084 of 2024
in
S.A.SR.No.34973 of 2024
T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 653 days in filing the above Second Appeal against the judgment and decree dated 29.09.2021 passed in A.S.No.2 of 2020, on the file of Special Court No.1, Jayamkondam confirming the judgment and decree passed in O.S.No.95 of 2000 dated 20.04.2016 on the file of District Munsif Court, Jayamkondam.

2. Mr.P.Dinesh Kumar, learned counsel for petitioner submitted that due to Covid pandemic situation and also due to illness, he is not able to contact his counsel and instruct him to file the Second Appeal. He would submit that he filed a suit for permanent injunction and challenging the concurrent findings of the courts below, he preferred this Second Appeal. But, Mr. S.Nagarajan, learned counsel for respondents 1 and 2 raised objections that two years later, the above Second Appeal was filed. Hence, he prayed to dismiss this petition.



C.M.P. No. 7084 of 2024
in S.A.SR.No.34973 of 2024

WEB COPY

3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to illness, he is not able to instruct his counsel to file the appeal in time and in order to give one opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.5000/- payable to the learned counsel for respondents within a period of one week from the date of receipt of copy of this order. On such payment, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 14.10.2024.

11.09.2024

rpp



WEB COPY



C.M.P. No. 7084 of 2024
in S.A.SR.No.34973 of 2024

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 7084 of 2024
in
S.A.SR. No. 34973 of 2024

11.09.2024