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CMP. 1: 124



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2024

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP. 15696 of 2024 & CMP. 15697 OF 2024

AND

SA SR. 53551 OF 2024, SA SR. 53550 OF 2024

V.VENDHAN
AND ANOTHER

APPELLANTS

Vs

R.VENKATESAN

RESPONDENT

For Appellant(s): Mr. M.Jagadheesan for
M/s. P.B.Ramanujam Associates

For Respondent(s):
M/S. H.Adaikala Arockiaraj

ORDER

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 63 days in filing the above Second Appeals against the common judgment and decree dated 26.09.2023 passed in A.S.Nos.49 & 50 of 2022, on the file of XIX Addl. City Civil Court, Chennai confirming the common judgment and decree passed in O.S.Nos.4757 & 12942 of 2010 dated 05.01.2022 on the file of II Asst. City Civil Court, Chennai.

2. Mr.M.Jagadheesan, learned counsel for petitioners submitted that due to inadvertence as well as the fact that the petitioners required a change of counsel for contesting these Second Appeals. Hence, there is a delay of 63 days in filing the above second appeals arose, which is neither willful nor wanton. Therefore, he filed these petitions to condone the delay in filing



the above second appeals.



3. Mr. H.Adaikala Arockiaraj, learned counsel for respondent appeared and raised objections stating that proper reason was not assigned for the delay.

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4. Considering the facts and circumstances, and the reasons stated by the petitioners in the affidavit seems to be justifiable one and to give one more opportunity, this court is inclined to allow these petitions on condition that the petitioners shall pay a cost of Rs.1000/- payable to the learned counsel for respondent within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeals if it is otherwise found to be in order and post the matters on 16.12.2024.

(T.V.THAMILSELVI J.)
05-12-2024

RPP

N.B. : Issue order copy on 09.12.2024