



WEB COPY



C.M.P. No. 17769 of 2024
in S.A.SR.No.83553 of 2024

C.M.P. No. 17769 of 2024
in
S.A.SR.No.83553 of 2024
T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 763 days in filing the above Second Appeal against the judgment and decree dated 22.12.2020 passed in A.S.No.41 of 2019, on the file of Addl. District Court FTC, Arani, Thiruvannamalai District modifying the judgment and decree passed in O.S.No.144 of 2015 dated 07.09.2017 on the file of Sub-Court, Cheyyar.

2. Mr.V.Meenakshi Sundaram, learned counsel for petitioners submitted that the petitioners are not able to get back bundle from the lower court counsel and with great efforts, it was secured only during the first week of July 2024. Thereafter, they handed over papers to counsel on record and the second appeal was filed on 02.07.2024. Hence, there is a delay of 763 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.



C.M.P. No. 17769 of 2024
in S.A.SR.No.83553 of 2024

WEB COPY

3. On perusal of records, it reveals that the final decree application was filed by the respondents, in which the petitioners also appeared. Furthermore, the petitioners are sisters and brother of respondents and they are claiming 1/10th share. The first appellate judge modified the decree, which necessitated the appellants to prefer this Second Appeal. So, to avoid multiplicity of proceedings, this court is inclined to allow this petition on condition that the petitioners 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 11.11.2024.

4. The learned counsel for petitioners/appellants is directed to file a memo before the courts below in respect of pendency of this Second Appeal.

24.10.2024

rpp



WEB COPY



C.M.P. No. 17769 of 2024
in S.A.SR.No.83553 of 2024

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 17769 of 2024
in
S.A.SR. No. 83553 of 2024

24.10.2024