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CMP.No.21055 of 2023
in S.A.SR.No.119191 of 2021

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T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 784 days in filling the above second appeal S.A.SR.No.119191 of 2021.

2. Heard the learned counsel for the appellants and learned counsel for the respondent and perused the material available in the record.

3. The learned counsel for the appellants submitted that the bundle was misplaced, and the defendants were wrongly held accountable. Before the trial court, the respondent, Anjalaiaimall (plaintiff), filed a suit for specific performance against defendants 1 to 6. During the pendency of the suit, the 1st and 2nd defendants passed away. However, they had denied the execution of the alleged sale agreement. Despite this, the courts below decreed in favor of the plaintiff as prayed for. The present appeal was filed challenging this decision. However, there is a delay due to a lack of knowledge about the case. After the deaths of D1 and D2, the remaining defendants contested the suit, but they were ill-treated and were unable to take immediate steps.

T.V.THAMILSELVI, J.



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4. On being satisfied with the averments stated in the affidavit filed in support of the petition and to avoid multiplicity of proceedings, this Court is inclined to condone the delay, but with costs. The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five thousand only) to the contesting respondent within a period of two week from today and on such payment the delay of 784 days in filling the above S.A.SR.No.119191 of 2021 is condoned.

5. Accordingly, this Civil Miscellaneous petition is allowed.

6. Registry is directed to list the above Second Appeal after numbering the same, if they are otherwise in order, on 01.10.2024.

05.09.2024

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