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C.M.P.Nos.21039 of 2024  
and  
A.S.SR.No.102961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 25.09.2024**

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

C.M.P.Nos.21039 of 2024  
and  
A.S.SR.No.102961 of 2024

Kamalakar  
S/o Rama Reddy

...Petitioner/Appellant

Vs.

1. T.D.Pamavathy
2. Mohideen Meera
3. A. Mohammed Rasool
4. A.M.Noorddin
5. A.M.Nizina Bivi
6. A.M.Siddiq
7. A.M.Sheik Mnsoor
8. A.M.Abdul rahman



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9. A.M.Shahul Hameed

10. Aysha Banu

11. Ayub Nisha

12. A.Aseena Malik

13. A.A.Ameen Malik ...Respondents/Respondents.

**C.M.P.No.21039 of 2024**

Civil Miscellaneous Petition filed under Order 41 Rule 3A of CPC.  
to condone the delay of 4260 days in filing the appeal.

**A.S.SR.No.102961 of 2024**

Appeal filed under Section 96 read with Order XLI Rule 1 of  
C.P.C. against the judgment and decree dated 26.09.2012 made in  
O.S.No.7524 of 2010 on the file of XV Additional City Civil Court,  
Chennai.

For Petitioner/Appellant : Mr.Mukunth,  
Senior Counsel  
for Mr.Muruges.S



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### **ORDER**

(The order of the Court was made by Mrs.J.Nisha Banu,J.)

The above CMP has been filed to condone the delay of 4260 days in filing the Appeal against the judgment and decree dated 26.09.2012 made in O.S.No.7524 of 2010 on the file of XV Additional City Civil Court, Chennai.

2. Heard the learned counsel for the petitioner/appellant.

3.The above appeal has been filed against the against the judgment and decree dated 26.09.2012 made in O.S.No.7524 of 2010 on the file of XV Additional City Civil Court, Chennai. The suit has been filed by the plaintiff/1st respondent herein for recovery of vacant possession of the suit property and for recovery of Rs.5,40,000/- as damages together with interest @ 12% and for costs. The said suit was decreed as prayed for together with interest at 6% per annum from the date of plaint till the date of realisation with costs. The 11th defendant in the suit has filed the present appeal against the respondents herein.

4. The judgment and decree was passed in the suit on 26.09.2012.

The Appellant had slept over the matter for more than 11½ years and



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now has filed the present appeal to set aside the judgment and decree passed in the above suit.

5. There is undoubtedly an inordinate delay in filing the Appeal and the petitioner/appellant has failed to show sufficient cause to condone the enormous delay of 4260 days in filing the Appeal. Therefore, we are not inclined to condone the huge delay.

6. Accordingly, the condone delay petition is dismissed and consequently, the Appeal is rejected at the SR stage itself. No costs.

(J.N.B,J.) (R.K.M., J.)  
25.09.2024

Index : Yes / No  
Internet : Yes  
vsi

To

The XV Additional City Civil Court,  
Chennai



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**J. NISHA BANU, J.**  
**and**  
**R.KALAIMATHI, J.**

vsi

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