



CMP. 25318 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

WEB COPY

CMP. 25318 of 2024

in

SA.SR 110820 of 2024

PALANISAMY
AND 3 OTHERS

APPELLANT(S)

Vs

AYYANNAN
AND ANOTHER

RESPONDENT(S)

For Appellant(s):

Mr. V.SEKAR

For Respondent(s):

Mr. R.EZHILARASAN
FOR RR 1 & 2

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 109 days in filing the above Second Appeal against the judgment and decree dated 25.08.2023 passed in A.S.No.1 of 2016, on the file of Sub-Court at Sankari confirming the judgment and decree passed in O.S.No.274 of 2012 dated 25.03.2015 on the file of District Munsif Court, Sankari.

2. Mr.V.Sekar, learned counsel for appellant submitted that as the certified copy of judgment and decree passed in A.S.No.1 of 2016 was misplaced and on search, it was found only in the last week of July 2024. Hence, the second appeal was not filed within a stipulated time and there is a delay of 109 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



3. Mr.R.Ezhilarasan, learned counsel for respondents 1 and 2 appeared and submitted that he has no objections in allowing this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 07.01.2025.

11-12-2024

RPP