



CMP.No.20855 of 2024
in S.A.SR.No.108210 of 2024

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T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 495 days in filling the above S.A.SR.No.108210 of 2024.

2. Heard the learned counsel for the appellants / petitioners and the learned counsel for the respondents. Perused the material available in the record.

3. The learned counsel for the appellants / petitioners submitted that there was impersonation by a party pretending to be the appellants' / petitioners counsel in Chennai, filing an appeal. The appellants / petitioners had sent the necessary documents to them, but later discovered that the actual counsel did not appear on time. Upon receiving the notice, the appellants verified the situation, resulting in a delay of 495 days.

4. The learned counsel for the respondents raised objections, stating that the reason provided by the appellants / petitioners are not acceptable. Nearly two years later, the appellants verified the pendency of the second



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appeal and only then sought to condone the delay. In fact, the respondents had already filed E.P. No. 392 of 2023, which is pending before the Principal Subordinate Court for delivery of possession.

5. Moreover, after the filing of the E.P., the 1st respondent/plaintiff also filed CRP No. 2211 of 2024 for speedy disposal. It was only thereafter that the appellants filed the present appeal, seemingly in response to the ongoing proceedings.

6. The learned counsel for the appellants submitted that the appellants are in a possession of the property, measuring 22 cents of land, for more than a decade. However, the plaintiff / 1st respondent claims that he purchased the property from the original owner, and the person who sold the property to the defendants had no right or title. Thus, the title to the property is in dispute.

7. 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, with costs. The appellants are directed to pay



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a sum of Rs.5,000/-(Rupees two thousand only) to the contesting respondents, within a period of one week from today and on such payment the delay of 495 days in filling the above S.A.SR.No.108210 of 2024 is condoned.

8. Accordingly, this Civil Miscellaneous petition is allowed.

9. Registry is directed to list the above Second Appeal after numbering the same, if they are otherwise in order, on 04.10.2024.

23.09.2024

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