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CMP. 25988



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

CMP. 25988 of 2024

IN

OSA SR. 147701 of 2024

THIRUNAVUKARASU (DECEASED) 1. SUNDARI
W/O.LATE THIRUNAVUKKARASU, RESIDING AT OLD NO.3-E, NEW
NO.43,ETHIRAJ SAMY STREET, ERUKKENCHERY, CHENNAI - 600
118 AND OTHERS

APPELLANT(S)

Vs

1. P. USHA RANI
W/O.PARTHIBAN, RESIDING AT OLD NO.1/678, NEW NO.9
MUTHAMIZH NAGAR 1ST STREET,KODUNGAIYUR, CHENNAI - 600
118 AND ANOTHER

RESPONDENT(S)

Prayer in C.M.P.No.25988 of 2024 : Civil Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 193 days in filing the Appeal against the order dated 21.03.2024 in A.No.1455 of 2024 in Appl.No.778 of 2023 in E.P.No.76 of 2022 on the file of this Court.

Prayer in O.S.A.SR.No.147701 of 2024 : Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules r/w. Clause 15 of the Letters Patent against the order and decree dated 21.03.2024 in A.No.1455 of 2024 in Appl.No.778 of 2023 in E.P.No.76 of 2022 on the file of this Court.



For Appellant(s):

MR.R. MANICKAVEL

For Respondent(s):

MR.W.M.ABDUL MAJEED FOR M/S.G.SUMITRA FOR R1
NO APPEARANCE FOR R2



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ORDER

(Order of the Court was made by the Hon'ble S.s. Sundar J)

This petition is filed to condone the delay of 193 days in filing the above Original Side Appeal.

2.The petitioners, in the affidavit filed in support of the petition, have given reasons for the delay. Though the learned counsel appearing for the respondent contested the application on the ground that the reasons are not convincing, this Court is able to see that the reasons cannot be discarded. Even though the delay is 193 days, the petitioners have given sufficient cause for the delay. This Court having regard to the peculiar facts and circumstances of the case, is inclined to allow the petition.

3.Accordingly, the delay is condoned and this petition is ordered.

4.Registry is directed to number the Appeal, if the papers are otherwise in order, and list the same for admission next week.

(S.S. SUNDAR J.) (P. DHANABAL J.)

10-12-2024

M. KANNAN