



C.M.P.(MD).No.4612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.01.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

C.M.P.(MD).No.4612 of 2022
in
A.S.(MD).SR.No.1265 of 2022

P.T.Pattukumar

.. Petitioner/Appellant

Vs.

1.R.Anitha Jayanthi

2.S.Rajasekar

3.The State Bank of India,
represented by its Chief Manager,
No.306, Beach Road,
Tuticorin.

.. Respondents/Respondents

PRAYER in C.M.P.(MD).No.4612 of 2022: Civil Miscellaneous Petition
filed under Section 5 of Limitation Act, praying to condone the delay of
1225 days in filing the appeal suit.



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PRAYER in A.S.(MD).SR.No.1265 of 2022: Appeal filed under Section 96 of Civil Procedure Code, praying to call for the records and set aside the judgment and decree passed in O.S.No.37 of 2012 dated 10.11.2016 on the file of II Additional District Judge, Tuticorin.

For Petitioner : Mr.M.Natarajan

For R-1 & R-2 : Mr.Marshall

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

This Civil Miscellaneous Petition is filed to condone the delay of 1225 days in filing the first appeal against the judgment and decree passed by the II Additional District Court, Tuticorin in O.S.No.37 of 2012 dated 10.11.2016.

2. The affidavit filed along with the petition to condone delay does not satisfy the reason for delay. Multiple reasons were given, but, none satisfy the requirement to condone delay, invoking Section 5 of the Limitation Act. Hence, the inordinate delay of 1225 days in filing the first



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appeal cannot be entertained. Accordingly, the Civil Miscellaneous Petition is dismissed. There shall be no order as to costs. Consequently, A.S. (MD).SR.No.1265 of 2022 is rejected.

(G.J.,J.) (C.K.,J.)
12.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The II Additional District Court,
Tuticorin.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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