



C.M.P.(MD).No.7147 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.01.2024

CORAM

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

C.M.P.(MD).No.7147 of 2023

in

A.S.(MD).SR.No.28763 of 2021

1.S.Viswanathan (Died)

2.V.Vinodkumar

.. Petitioners/Appellants

(Cause title is accepted and the 2nd Petitioner is impleaded as LR of the deceased sole petitioner vide Court order dated 17.04.2023 made in C.M.P.(MD).No.4567 of 2023 in A.S.(MD).SR.No.28763 of 2021)

Vs.

Sri Sumatheendra Swamy Mutt, Srirangam,
represented by its Power Agent
L.Sureendra Kumar.

.. Respondent/Respondent

PRAYER in C.M.P.(MD).No.7147 of 2023: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 2074 days in filing the first appeal against O.S.No.84 of 2005 dated 28.11.2013 on the file of I Additional District Court, Trichy.



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PRAYER in A.S.(MD).SR.No.28763 of 2021: Appeal filed under Section 96 of Civil Procedure Code, praying to set aside the judgment and decree dated 03.12.2013 made in O.S.No.84 of 2005 on the file of the Additional District Judge, Tiruchirappalli.

For Petitioners : M/s.M.Parameswari

For Respondent : Mr.Kisore Ram
for M/s.R.B. Law Associates

ORDER

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

This Civil Miscellaneous Petition is filed to condone the delay of 2074 days in filing the first appeal against the judgment and decree passed by the I Additional District Court, Trichy in O.S.No.84 of 2005 dated 28.11.2013.

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



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Limitation Act. Hence, the Civil Miscellaneous Petition is dismissed.

There shall be no order as to costs. Consequently, A.S.(MD).SR.No.28763 of 2021 is rejected.

(G.J.,J.) (C.K.,J.)
05.01.2024

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

To
The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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