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CMP.No.4624 of 2025 in SA.SR.No.1737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

CMP.No.4624 of 2024
in
S.A.SR.No.1737 of 2024

M.Radha Rukmani

... Petitioner

vs.

G.Murugesan

... Respondent

Prayer in CMP.No.4624 of 2024. This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 2870 days in filing the above second appeal.

Prayer in SA.SR.No.1737 of 2024 : This Second appeal is filed under Order 100 of C.P.C., against the judgment and decree in A.S.No.49 of 2014, dated 16.11.2015 on the file of Subordinate Court, Dharmapuri, confirming the judgment and decree in O.S.No.247 of 2011 dated 30.07.2014 on the file of the District Munsif Court, Dharmapuri.

For Petitioner : Mr.L.Palanimuthu

For Respondent : Mr.S.Arokia Maniraj



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JUDGMENT

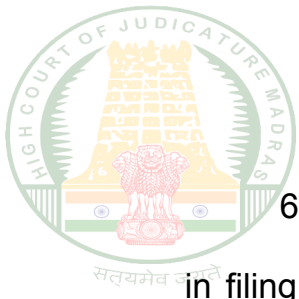
WEB COPY C.M.P.No.4624 of 2024 has been filed to condone the delay of 2870 days in filing the above second appeal.

2. S.A.SR.No.1737 of 2024 has been preferred by the plaintiff against the Judgment and Decree dated 16.11.2015 in A.S.No.49 of 2014 on the file of the Subordinate Court, Dharmapuri confirming the Judgment and Decree dated 30.07.2014 in O.S.No.247 of 2011 on the file of the District Munsif Court, Dhamapuri.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The petitioner who is the plaintiff in the suit, suffered the order of dismissal by the Trial Court as well as the First Appellate Court.

5. The relief sought for in the suit is for specific performance and the Trial Court ordered to repay a sum of Rs.25,000/- to the plaintiff which is borrowed by the defendant from the plaintiff on 03.03.2010.



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6. This application has been filed to condone the delay of 2870 days in filing the second appeal. Reasons for the delay is stated that in the month of October 2023 only she came to know that the appeal filed by her in O.S.No.247 of 2011 was dismissed.

6. The First Appeal in fact has been dismissed on 16.11.2015.

7. The learned counsel for the respondent strenuously argued that the delay is very inordinate and sufficient cause for the delay is not mentioned in the affidavit.

8. Certainly, the delay is so huge and after thorough perusal of the affidavit, this Court finds that the reasons stated above are not sufficient, the petitioner lacks bonafides. Hence, this civil miscellaneous petition is dismissed and the second appeal is also rejected in SR Stage.

05.06.2025

Index : Yes/No
Speaking / Non-speaking order
kkd
To

1. The Subordinate Court, Dharmapuri.
2. The District Munsif Court, Dharmapuri.

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R.KALAIMATHI, J.,
kkd

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