



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

CMP.No.19636 of 2001 in
S.A.SR37822 of 2001 &
CMP.Nos.6204, 6206, 6209 & 1862 of 2019 in
S.A.No.1200 of 2000

1.Kalyani Naicker (Died)

2.Indirani

3.K.Elumalai

4.K.Sivagami

5.K.Murugan

6.K.Shanmugam

... Petitioners

(P2 to P6 are brought on
record as lrs of the
deceased sole
appellant/petitioner vide
court order dated
17.06.2025 made in
CMP.No.20541 of 2021)

Vs.

1.Saravana Naicker

2.Raghavana Naicker (Died)

3.Desingh

4.Indirani

5.Kutti

6.Devandran

7.Chidambaram



8.Minor Parthiban

9.Minor Loganathan

10.Minor Sallapthy

(R8 to R10 minors are represented by their mother and guardian Indirani)

11.Balasundaram

12Shanthi

13.Ponnammal

14.Indhirani

15.Kallachi

16.Sargunapathy

... Respondents

(R2 Died, R11 to R16 are brought on record as Lrs of the deceased R2 vide order dated 06.11.2025 made in CMP.Nos.947, 948, and 949 of 2010 in SA.SR.37822 of 2001.)

For Petitioners : Mr.J.Srinivasa Mohan

ORDER

I posted this Miscellaneous Petition for appearance of the respondents. Originally, the counsel, who appeared for the respondents in this application, was one Mr.L.Mohan. He sent words to this court through Mr.Parthasarathy that he has since given up practice and made a request that notice be taken directly to the parties. By an order dated 04.09.2025, I requested Mr.J.Srinivasa



Mohan to serve notice on the respondents in CMP.No.6204 of 2019 etc in S.A.No.1200 of 2000 as well as in this Civil Miscellaneous Petition.

2. Mr.J.Srinivasa Mohan took notice and a counsel, by name Mr.Balamurugan, reported that he had entered appearance for the respondents. Thereafter, he did not appear before this Court. I adjourned the matter repeatedly hoping that the counsel will surface either to oppose the application or to say no objection. To give a last opportunity, I posted the matter today. Even today, only Mr.J.Srinivasa Mohan is present.

3. The second appeal being of the year 2000, I am not inclined to take a harsh stand and dismiss the appeal for default. At the same time, I have to take into consideration that this petition has been before this court for 24 years to get the delay of 274 days in filing the appeal condoned.

4. On going through the affidavit, it becomes clear that the second petitioner was taking treatment at the Government Primary Health Centre, Kelambakkam, Kancheepuram District. The senior civil surgeon has also certified that the second petitioner was suffering



from illness. The second petitioner was not in a position to approach the counsel of this Court to file an appeal on account of his illness. Hence, I find sufficient cause to condone the delay. Accordingly, the civil miscellaneous petition is allowed.

5. Registry shall number the appeal and list it for admission.

15.12.2025

nl



WEB COPY



V. LAKSHMINARAYANAN. J,

nl

CMP.No.19636 of 2001 in
S.A.SR37822 of 2001 &
CMP.Nos.6204, 6206, 6209 & 1862 of 2019 in
S.A.No.1200 of 2000

15.12.2025