



WEB COPY

CMP No. 999 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 999 of 2025

in

SA SR No.160622 of 2024

Mohammed Rafi

Appellant(s)

Vs

Mohammed Kaseem

A.ABDUL GAFFER (DECEASED)

ASHRAFUNNISSA @ SHARDHAR

BEGUM (DECEASED)

and 16 others

Respondent(s)

PRAYER

To condone the delay of 152 days in filing the appeal against the Judgment and Decree dated 07.03.2024 made in A.S.No. 44 of 2022 on the file of Additional District Judge, Dharmapuri confirming the Judgment and Decree dated 29.10.2021 in O.S.No. 257 of 2014 on the file of the Principal Subordinate Judge, Dharmapuri.

For Appellant(s): Mr. A.V. Arun

For Respondent(s): M/s P.M.Jayachandran for Rr 7
To R12 And R14 to R16
Mr K. Ganesan for R3 To R6
RR 1, 2, 13 and 17 - Service
Awaited



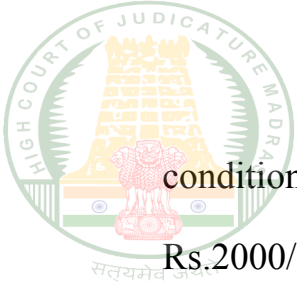
ORDER

WEB COPY This Civil Miscellaneous Petition has been filed seeking to condone the delay of 152 days in filing the above Second Appeal against the judgment and decree dated 07.03.2014 passed in A.S.No.44 of 2022, on the file of Addl. District Judge at Dharmapuri confirming the judgment and decree passed in O.S.No.257 of 2014 dated 29.10.2021 on the file of Principal Sub-Judge, Dharmapuri.

2. Mr.A.V.Arun, learned counsel for appellant submitted that as the certified copy of judgment and decree passed in Appeal Suit in A.S.No. 44 of 2022 was made ready on 06.06.2024 and thereafter, due to lack of communication, the appellant was not able to come to Chennai and to engage his counsel. Only during the first week of July 2024, he gave instructions to file the Second Appeal. However, there is a delay of 152 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr. P.M.Jayachandran, learned counsel for respondents 7 to 12, 14 to 16 and Mr.K.Ganesan, learned counsel for Respondents 3 to 6 have appeared and raised strong objections stating that no sufficient cause stated for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to lack of communication, it was not filed within time, which seems to be justifiable one and the fact that to avoid multiplicity of proceedings, this court is inclined to allow this petition on



condition that the petitioner shall pay a cost of Rs.1000/- each (totally a sum of Rs.2000/-) payable to the learned counsel for respondents 7 to 12, 14 to 16 and learned counsel for respondents 3 to 6 respectively within a period of two weeks from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 26.03.2025.

05-03-2025

rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

N.B. : Issue order copy on 13.03.2025

To

1. Addl. District Judge, Dharmapuri.

2. Principal Subordinate Judge, Dharmapuri.



WEB COPY

CMP No. 999 of 2025



T.V.THAMILSELVI J.

rpp

**CMP No. 999 of 2025 in
SA SR No.160622 of 2024**

05-03-2025