



WEB COPY

O.S.A.Nos.342 and 345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

O.S.A.Nos.342 and 345 of 2025 and
C.M.P.Nos.27001 and 27181 of 2025

A.Albert Rajkumar

... Common Appellant/Applicant/Defendant

-VS-

1. A.Beula Rajkumari and Others

2. A.Flora Needhidas

Rep. by her Power Agent

Beula Rajkumari

... Common Respondents/Respondents/Plaintiffs

Common Prayer: Original Suit Appeals filed under Order XXXVI Rule 9 of O.S.Rules r/w Clause 15 of Letters Patent to set aside the order dated 13.12.2024 passed in A.No.5294 of 2024 against O.A.No.5815 of 2022 in C.S.No.604 of 2019 and A.No.5295 of 2024 against O.A.SR.No.30282 of 2024 in C.S.No.604 of 2019 on the file of this Court.

For Appellant : Mr.D.Babu Varadharajan

For Mr.A.Murugavel

For R1 and R2 : Mr.C.Rajakumar

COMMON JUDGMENT

(By C.KUMARAPPAN, J.,)

The present Original Side Appeals are arising against the order dated 13.12.2024 passed by the learned Single Judge in rejecting (i)



O.S.A.Nos.342 and 345 of 2025

A.No.5294 of 2024 against O.A.No.5815 of 2022 in C.S.No.604 of 2019 that was filed to set aside the dismissal order dated 26.09.2024 and (ii) A.No.5295 of 2024 against O.A.SR.No.30282 of 2024 in C.S.No.604 of 2019 filed to condone the delay of 35 days in re-presenting the impleading petition filed by a third party.

2. Though learned counsel for the respondents would strongly object to condonation of delay, it is a well settled principles of law that the condonation of delay in re-presentation is a matter between the Court and the party. While looking at the reasons stated in the affidavit, this Court finds that there are genuine reasons adduced for condoning the delay and therefore, we would like to interfere with the order of the learned Single Judge dated 13.12.2024. It is pertinent to mention here that the delay is also not enormous.

3. In view of the above, both Original Side Appeals are allowed and the order of the learned Single Judge dated 13.12.2024 stands set aside. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S,J.) (C.K,J.,)
15.12.2025

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