



CMP.No.13094 of 2025 in SA.SR.No.84052 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

CMP.No.13094 of 2025
in
S.A.SR.No.84052 of 2015

Vellamalayan (died)

Vellaiyan(Died)

1. Nadupillai

2.Govindasamy

3.Chinnadurai

4.Raman

(Cause title accepted vide order dated
30.04.2025 made in CMP.No.8297 of 2025 in
SA.SR.No.84-52 of 2015)
A 7,A8 and A17 namely, Ramasami and
Sounder respectively appellants as declared
major and their guardian namely Mrs.Pappathi
A14 discharged from the guardianship vide
Court order dated 20.04.2025 made in
CMP.No.8305 of 2025 in SA.SR.No.84052/2015)

Chinnakkal(Died)

5.Santhi

6.Settu

7.Ramasamy(Major)

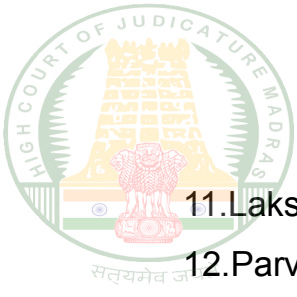
8.Suguna(Major)

9. Perumal

Saminathan (Died)

10.Ramar

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11.Lakshmi

12.Parvathi

13.Malliga

14.Pappathi

15.Mahesh

16.Ramarajan

17.Soundar(Major)

.. Petitioners

VS.

Muthammal (died
Kannuppaiyan @ Kannu (Died)
Muthamal (Died)

1. Ramar

2.Chinnaiyan

3.Kasi

4.Ambiga

5.Naduponnu

6.Chinnaponnu

7.Perumal

8.Chinnakkannu

9.Kasi

10.Chinnasami

11.Perumal

12.Appasamy

13.Govindasamy

14.Roja

15.Vasanth

16.Jayakumari

17.Laila

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18.Menaga

19.Govindharaj

.. Respondents

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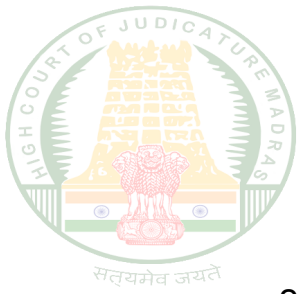
Prayer in CMP.No.4815 of 2024.: This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 3100 days in representing the above second appeal.

Prayer in SA.SR.No.84052 of 2015 : This Second appeal is filed under Order 100 of C.P.C., against the judgment and decree in A.S.No.7 of 2013, dated 22.04.2014 on the file of Subordinate Court, Arni, confirming the judgment and decree in O.S.No.219 of 1998 dated 30.07.2012 on the file of the District Munsif Court, Polur.

For Petitioners : Mr.G.Ilamurugu

ORDER

C.M.P.No.13094 of 2025 was taken out to condone the delay of 3100 days in representing the above second appeal in SR.No.84052 of 2015



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2. S.A.SR.No.84052 of 2015 has been preferred by the defendants against the Judgment and Decree dated 22.04.2014 in A.S.No.7 of 2013 on the file of the Subordinate Court, Arni, confirming the Judgment and Decree dated 30.07.2012 in O.S.No.219 of 1998 on the file of the District Munsif Court, Arni.

3. Heard the learned counsel for the petitioners.

4. The Judgment of the First Appellate Court was passed on 22.04.2014.

5. As regards, cause for delay, the affidavit reads that the second appeal was filed on 01.10.2015 and it was returned for certain compliance on 07.10.2015. The returned papers were mingled with the disposal bundle and it was re-presented during 2020. Once again, the papers were returned for some clarification on 04.11.2020 and the second appeal papers were misplaced during the cleaning process in the office.

6. It is discernible from the above stated details that for the second time, the second appeal returned was re-presented after a period of five



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years. The delay caused is said to be for 3100 days. Whether the cause shown for the delay is sufficient cause or not is the moot question.

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7. The petitioners are defendants in the suit. Originally, the plaintiffs are nine in number laid the suit before the District Munsif Court, Arni, Tiruvannamalai District for the relief of declaration of title and for consequential permanent injunction in respect of the landed property situated at Nammiyampattu Village of Polur Taluk in D.S.No.302 for an extent of 10.47 acres. The suit was decreed in favour of the plaintiffs by the Trial Court on 30.07.2012 (O.S.No.219 of 1998).

8. The present petitioners who are aggrieved of the Judgment of the Trial Court preferred appeal in A.S.No.7 of 2013 before the Subordinate Court, Arni and the same was dismissed by the Judgment dated 22.04.2014. Against the concurrent findings of the order of dismissal, the defendants herein presented the second appeal in the year 2015. The petitioners lack bonafides. The explanation offered for the delay is fanciful.

9. Taking into account of the entire facts and circumstances of the case, the petitioners utterly lack bonafides and the explanation given for the delay implicates that they are not diligent in prosecuting their case.



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R.KALAIMATHI, J.,

kkd

Hence in the given circumstances, this civil miscellaneous petition stands dismissed and the second appeal is also rejected in SR Stage.

16.06.2025

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

To

- 1.The Subordinate Court, Arni,
2. The District Munsif Court, Polur.

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