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C.M.P. No. 2443 of 2020
in S.A.SR.No10324 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 2443 of 2020

AND

SA SR NO. 10324 OF 2020

Govinda Mandiri (died)

1) Mani
and 5 Others

Appellant(s)

Vs

SELVANATHAN
and 3 Others

Respondent(s)

For Appellant(s) :

Mr.PA. Sudesh Kumar

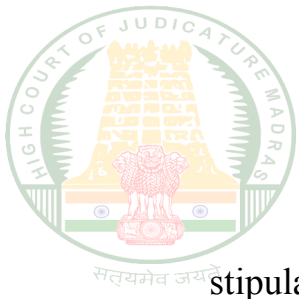
For Respondent(s) :

Mr.T.M.Hariharan for R2 & R3

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 978 days in filing the above Second Appeal against the judgment and decree dated 19.10.2016 passed in A.S.No.25 of 2013, on the file of Sub-Court at Vaniyambadi confirming the judgment and decree passed in O.S.No.53 of 2003 dated 20.04.2012 on the file of Principal District Munsif cum Judicial Magistrate Court, Vaniyambadi, Vellore Dt.

2. Mr.PA. Sudesh Kumar, learned counsel for appellants submitted that the 1st petitioner is aged about 60 years and due to lack of communication, they are not able to file the second appeal within a



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stipulated time. Only during the second week of November 2019, he gave instructions to file the Second Appeal. However, there is a delay of 978 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.T.M.Hariharan, learned counsel for respondents 2 and 3 appeared and raised strong objections stating that no sufficient reasons stated for the delay.

4. Considering the facts and circumstances, and the fact that the 1st petitioner is aged about 60 years and the suit was filed in the year of 2003, but for more than 13 years, the same is pending and to avoid multiplicity of proceedings as well as to give one more opportunity, this court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.5000/- payable to the learned counsel for respondents 2 and 3 within a period of one week 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 17.03.2025.

24.02.2025

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N.B. : Issue order copy on 26.02.2025



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T.V.THAMILSELVI, J.

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