



WEB COPY

CMP No. 4667 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 4667 of 2024

in

SA SR No. 140400 of 2022

Rajagopal
and 2 others

Appellant(s)

Vs

Sinouvassane
and 4 others

Respondent(s)

PRAYER

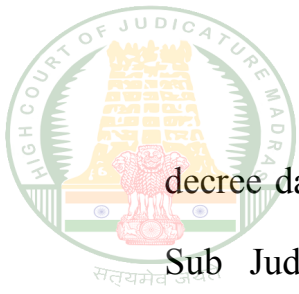
To condone the delay of 1103 days in filing the Second Appeal and thus render justice.

For Appellant(s): Mr. R. Rajarajan

For Respondent(s): Mr.S.Vadivel for RR 1, 3 to 5
R2 - Deceased

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 1103 days in filing the above Second Appeal against the judgment and

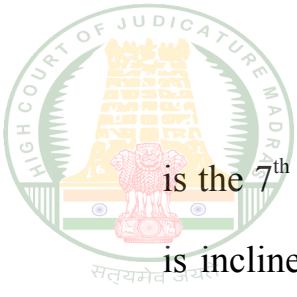


decree dated 31.07.2019 passed in A.S.No.03 of 2012, on the file of Principal Sub Judge, Puducherry confirming the judgment and decree passed in O.S.No.302 of 2006 dated 28.04.2011 on the file of Principal District Munsif, Puducherry.

2. Mr.R.Rajarajan, learned counsel for appellants submitted that the certified copy of judgment and decree passed in A.S.No.3 of 2012 was obtained by petitioner's counsel on 30.08.2019. Therefore, due to lack of communication, it was not informed to the petitioner. In the meanwhile, there was national wide lock down declared due to COVID-19 pandemic. Hence, they were not able to come to Chennai and to engage their counsel. Only during the first week of December 2022, they gave instructions to file the Second Appeal. However, there is a delay of 1103 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.S.Vadivel, learned counsel for respondents 1 and 3 to 5 appeared and raised strong objections stating that reason for the delay was not properly assigned. Hence, he prayed to dismiss this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioners in the affidavit stating that due to Covid-19 pandemic and due to lack of communication, the Second Appeal was not filed within a stipulated time, which seems to be justifiable one and the fact that the suit was filed in the year of 2006 and all these years, the same is pending before the court as well as an opportunity was not given to him and also the fact that the 1st petitioner, who



is the 7th defendant in the suit is proceeding with this Second Appeal, this court is inclined to allow this petition on condition that the petitioners shall pay the cost of Rs.4000/- payable to the learned counsel for respondents 1, 3 to 5 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 24.03.2025.

05-03-2025

rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

N.B. : Issue order copy on 06.03.2025



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T.V.THAMILSELVI J.

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