



WEB COPY



C.M.P. No. 4128 of 2025
in S.A.SR.No.165971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 4128 of 2025

AND

SA SR NO. 165971 OF 2023

K.ISAMILKAHAN(DIED)
Fathima Bee
and 3 Others

Appellant(s)

Vs

Sydhani Bee
and 15 Others

Respondent(s)

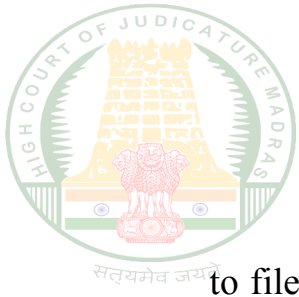
For Appellant(s) :

Mr.D.Baskar

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 3 days in filing the above Second Appeal against the judgment and decree dated 08.08.2023 passed in A.S.No.31 of 2009, on the file of Principal District Judge, Cuddalore confirming the judgment and decree passed in O.S.No.3 of 2001 dated 29.06.2009 on the file of Subordinate Judge, Panruti.

2. Mr.D.Baskar, learned counsel for appellants submitted that due to illness, the appellants were not able to come to Chennai and to engage their counsel. Only during the last week of January 2025, they gave instructions



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to file the Second Appeal. However, there is a delay of 3 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. Considering the facts and circumstances, and the reasons stated by the petitioners in the affidavit seems to be justifiable one and to avoid multiplicity of proceedings, this court is inclined to allow this petition. 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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T.V.THAMILSELVI, J.

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