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C.M.P. No. 3084 of 2025
in S.A.SR.No.16123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-02-2025**

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 3084 of 2025

AND

SA SR NO. 16123 OF 2025

Usha @ Anjalakshi

Appellant(s)

Vs

State Rep. By
The Director, District Land Surveyor Office,
Chennai 5

Respondent(s)

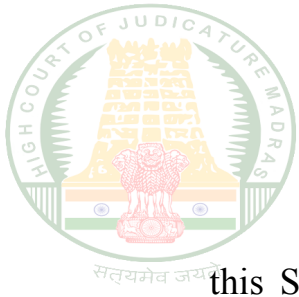
For Appellant(s) :

Mr.A.Muthukumar

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 3851 days in filing the above Second Appeal against the judgment and decree dated 15.04.2014 passed in A.S.No.17 of 2010, on the file of III Addl. Judge, City Civil Court, Chennai confirming the judgment and decree passed in O.S.No.7168 of 2007 dated 03.06.2009 on the file of VIII Asst. City Civil Court, Chennai.

2. Mr.A.Muthukumar, learned counsel for appellant submitted that before filing a Writ Petition to preserve right of the appellant for the terminal benefits of her husband, she was given liberty to redress her grievance in the manner known to law. Hence, it is necessitated to prefer



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this Second Appeal only for limited purpose to reopen the suit and first appeal for the purpose of withdrawing the same to get over the impediment in considering her relief for terminal benefits by the respondent in view of no objections expressed by the nominees. He would further submit that she is aged about 77 years and due to lack of communication, the appellant was not able to come to Chennai and to engage his counsel. Only during the last week of January 2025, she gave instructions to file the Second Appeal. However, there is a delay of 3851 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 fact that the petitioner is aged about 77 years and the suit was filed in the year of 2007 and for more than 24 years, she is not able to realise the fruits of the decree, so to avoid multiplicity of proceedings as well as to give one more opportunity, 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 04.03.2025.

24.02.2025

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T.V.THAMILSELVI, J.

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