



WEB COPY

CMP No. 5372 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 5372 of 2025

in

SA SR No. 31304 of 2025

GANDHIMATHI

Appellant(s)

Vs

1. Nallayal
Shanmugavadivu(died)
and another

Respondent(s)

PRAYER

To condone the delay of 22 days in filing the Second Appeal before this Honourable Court and thus render justice

For Appellant(s): Mr.V.Anandhamoorthy

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 22 days in filing the above Second Appeal against the judgment and decree dated 29.03.2023 passed in A.S.No.01 of 2021, on the file of III Addl.

District Court at Gobichettipalayam confirming the judgment and decree passed



in O.S.No.196 of 2013 dated 23.10.2019 on the file of Subordinate Court,
Gobichettipalayam, Erode.

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2. Mr.V.Anandhamoorthy, learned counsel for appellant submitted that as the 1st petitioner is aged about 55 years and after the demise of her husband, she was taking care of entire family and also due to illness, she was not able to come to Chennai and to engage her counsel. Only during the last week of February 2025, she gave instructions to file the Second Appeal. However, there is a delay of 22 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 petitioner in the affidavit seems to be justifiable one, 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 01.04.2025.

07-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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