



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

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CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP Nos. 5527, 5525 & 5533 of 2025

in

SA SR.Nos. 30166, 30283 & 30135 of 2025

1. The Divisional Engineer
Highways Department
Tirvannamalai.

2. The Assistant Engineer,
Highways Department,
Chengam.

Appellant(s) in all C.M.P.s

Vs

Pachaiyappan
and 3 others

Respondent(s) in all
C.M.P.s

PRAYER

To condone the delay of 341 days in preferring the second appeal as against the Judgment and decree dated 29-09-2023 made in AS Nos.27 to 29 of 2022 on the file of Additional District Court, Tiruvannamalai confirming the judgment and decree passed in O.S.Nos.28 to 30 of 2021 on the file of Subordinate Court, Chengam, dated 30.08.2022



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CMP No. 5527 of 2025



For Appellant(s) in Mr.R.Ramanlaal,
all C.M.P.s: Addl. Advocate General
assisted By Mr.T.Arunkumar Addl.
Govt. Pleader

For Respondent(s) Mr.K.A.Ravindran For RR3 and 4
in all C.M.P.s: RR 1 and 2 - No Appearance

COMMON ORDER

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 341 days in filing the above Second Appeals against the common judgment and decree dated 29.09.2023 passed in A.S.Nos.27 to 29 of 2022, on the file of Addl. District Court at Tiruvannamalai confirming the common judgment and decree passed in O.S.Nos.28 to 30 of 2021 on the file of Subordinate Court, Chengam, dated 30.08.2022.

2. Mr.R.Ramanlaal, learned Addl. Advocate General for appellants submitted that as the papers in connection with Appeal Suits in A.S.Nos. 27 to 29 of 2022 was not available, the same was obtained and thereafter, due to lack of communication, the appellants not able to file the Second Appeal within a stipulated time. Only during the last week of November 2024, they gave instructions to file the Second Appeals. However, there is a delay of 341 days in filing the above second appeals arose, which is neither willful nor wanton. Therefore, he filed these petitions to condone the delay in filing the above second appeals.



3. Mr. K.A.Ravindran, learned counsel for respondents 3 and 4 appeared and raised strong objections stating that the alleged occurrence was taken place on 08.07.2010 and while three victims were driving a two wheeler towards their village to Chengam, at that time, a tar mixing vehicle was parked in the road without any reflectors or indicators, against which, they have dashed and all the victims were died. Due to the negligence on the side of appellants as well as other two individuals, the accident was happened and their families are fighting before the court claiming compensation for nearly 15 years . The courts below rightly granted the relief and only to evade the proceedings, they have filed these Second Appeals belatedly.

3. On seeing the facts, it reveals that due to lack of communication, the appellants were not able to file the Second Appeals within a stipulated time and they are having valid defence to prove their case. It would further reveals that from the year of 2010 onwards, the families of deceased were fighting before the court claiming compensation for nearly 15 years and the courts below rightly awarded the compensation on considering the negligence on the side of appellants. But, they are having valid defence to prove their case. So, in order to avoid further complications, this court is inclined to allow the petitions on condition that the appellants shall deposit a sum of Rs.5,00,000/- (totally a sum of Rs.15,00,000/-) in each of the execution proceedings filed by the respondents within a period of eight weeks from the date of receipt of copy of this order. On such deposit, by submitting the undertaking affidavit, the respondents are



permitted to withdraw the said amount. Registry is directed to number the Second Appeals if it is otherwise found to be in order and post the matters on 09.07.2025.

28-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Addl. District Court at Tiruvannamalai.
2. Subordinate Court, Chengam.
3. The Divisional Engineer
Highways Department, Tiruvannamalai.
4. The Assistant Engineer,
Highways Department, Chengam.
5. The Public Prosecutor, High Court, Madras.
6. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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