



CMP.No.8833 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CMP.No.8833 of 2025
in
AS.SR.No.41341 of 2025

Seerangan

... Petitioner/Appellant

Vs.

Selvi

Muthayee (Died)

... Respondent/Respondent

Prayer: This petition has been filed under Order 41 Rule 3A of CPC pleaded to condone the delay of 508 days in preferring the present first appeal against the final decree dated 24.11.2022 passed in I.A.No3 of 2021 in O.S.No.199 of 2016, on the file of the Additional District Court, Namakkal.

For Petitioner : Mr.S.Senthil,

For Respondent : Mr.S.Sabarish



CMP.No.8833 of 2025

ORDER

WEB COPY The present appeal is filed challenging the final decree proceedings with the delay of 508 days.

2. The respondent is the plaintiff has filed detailed counter narrating the appeal filed with substantial delay only to prevent the respondent from enjoying the fruits of the decree.

3. The suit for partition, wherein the preliminary decree was passed on 06.02.2020 and thereafter application for final decree filed and considering the reports of the Advocate Commissioner, final decree was passed on 24.11.2022 with the delay of 508 days appeal. The reasons stated to condone the delay not satisfactory, since in the condone delay application stated that the petitioner was trying to amicably settled the dispute through elders there was delay. However, in the counter, it is stated that there was no attempt by the petitioner for a amicable settlement.

3. This Court taking into consideration about the rival submissions



CMP.No.8833 of 2025

before passing order, adjourned the matter for the parties to sit across in settle the matter amicably, if really the applicant had an intention to settle the matter, but even after three adjournments, the dispute not settled amicably and there is no semblance of attempt to settle the matter amicably. Thus it is very clear that the reasons stated for delay is not true and partition suit filed in the year 2016, despite preliminary decree in the year 2020 could not be given effect due to the delay caused by the appellant.

4. Considering the facts and circumstances this court is of the view that there is no satisfactory reason to condone the delay. Hence, this petition stands dismissed. Consequently, the appeal suit in AS.SR.No.41341 of 2025 is also dismissed.

18.07.2025

Vv

To

1. The Additional District Court, Namakkal
2. The Section Officer, V.R.Section, High Court, Madras.

Dr.G.JAYACHANDRAN,J.



WEB COPY



CMP.No.8833 of 2025

Vv

CMP.No.8833 of 2025
in
AS.SR.No.41341 of 2025

18.07.2025