



WEB COPY

CMP No. 8961 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-04-2025**

CORAM

**THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI**

**CMP No. 8961 of 2025**

**and**

**SA SR No. 47995 of 2025**

NALLAMMAL (DIED),

1. K.P.Krishnasamy

Appellant(s)

Vs

PUSPATHAL

and 2 others

Respondent(s)

**PRAYER**

To condone the delay of 233 days in filing the present Second appeal

For Appellant(s): Mr. M.Guruprasad

For Respondent(s): Mr.N Manokaran for R1

**ORDER**

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 233 days in filing the above Second Appeal against the judgment and decree dated 18.04.2024 passed in A.S.No.78 of 2017, on the file of Sub-Court,



Kangayam, Tirupur District confirming the judgment and decree passed in O.S.No.215 of 2011 dated 09.07.2012 on the file of District Munsif Court, Kangayam.

2. Mr.N.Guruprasad, learned counsel for petitioner submitted that originally the suit was filed by Nallammal was represented by this petitioner K.P.Krishnasamy and now Nallammal died and he is following the proceedings. He would also submit that due to lack of communication as well as due to illness, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the first week of March 2025, he handed over papers to counsel on record and the second appeal was filed on 19.03.2025. Hence, there is a delay of 233 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. Mr.N.Manokaran, learned counsel for 2<sup>nd</sup> respondent appeared and raised strong objections stating that no sufficient cause assigned for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to lack of communication as well as due to illness, this second appeal was not filed within a stipulated time, which seems to be justifiable one and to avoid multiplicity of proceedings and to give one more opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel



for 1<sup>st</sup> respondent within a period of two weeks from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 29.04.2025.

**09-04-2025**

rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

**N.B. : Issue order copy on 16.04.2025**

To

1. Sub-Court, Kangayam, Tiruppur Dt.
2. District Munsif Court, Kangayam, Tiruppur Dt.
3. Mr.K.P.Krishnasamy  
S/o. Ponnusamy, Door No.299/2, Thuppukutti Pettai, Gudalur Taluk, The Nilgiris.
4. Section Officer, VR Section, Madras High Court.



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**T.V.THAMILSELVI J.**

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