



C.M.P. No. 13630 of 2024
in S.A.SR.No.56139 of 2024

CMP NO. 13630 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22-01-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 13630 of 2024

AND

SA SR NO. 56139 OF 2024

K.Raja

Appellant(s)

Vs

Indirani Ammal
and 6 Others

Respondent(s)

For Appellant(s) :

Mr.K.S.ILANGO VAN

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 539 days in filing the above Second Appeal against the judgment and decree dated 21.07.2022 passed in A.S.No.08 of 2022, on the file of Principal Sub Judge at Puducherry confirming the judgment and decree passed in O.S.No.1713 of 2016 dated 14.02.2022 on the file of II Addl. District Munsif Court, Puducherry.

2. Mr.K.S.Ilangovan, learned counsel for appellant submitted that as the certified copy of judgment and decree passed in Appeal Suit in A.S.No.8 of 2022 was not available, the same was obtained and thereafter, due to lack of communication, the appeal was not filed within a stipulated



C.M.P. No. 13630 of 2024
in S.A.SR.No.56139 of 2024

time. Only during the last week of April 2024, he gave instructions to file the Second Appeal. However, there is a delay of 539 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. K.Jayaraman, learned counsel for respondents appeared and raised strong objections stating that there is no infirmity in the order passed by the courts below.

4. By way of reply, the learned counsel for petitioner would submit that before the trial court, the respondents herein were remained exparte.

5. Taking note of the fact that it is case for declaration and for the relief of permanent injunction, to avoid further multiplicity of proceedings, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.3000/- payable to the contesting respondents 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 17.02.2025.

22.01.2025

rpp

N.B. :- Issue order copy on 28.01.2025



WEB COPY



C.M.P. No. 13630 of 2024
in S.A.SR.No.56139 of 2024

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 13630 of 2024
in
S.A.SR.. No. 56139 of 2024

22.01.2025