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C.M.P.No.13017 of 2024
in
Appeal (CAD) SR.No.59753 of 2024

Dr.G.JAYACHANDRAN,J.
and
MUMMINENI SUDHEER KUMAR,J.

[Order of the Court was made by Dr.G.JAYACHANDRAN,J.]

O.S.No.105 of 2017 on the file of the Principal District Judge,

Tiruppur, filed by S.C.Balaji, the 1st respondent herein, was allowed by the trial Court and a money decree was passed against the defendants. hallenging the judgment and decree, appeal under Section 96 of C.P.C.,

preferred by the 3rd defendant. The 1st and 2nd defendants are arrayed as

respondents 2 and 3. The successful plaintiff arrayed as 1st respondent.

2. The Registry has assigned Appeal (CAD) SR.No.59753 of 2024 indicating as if it was a commercial division appeal. This classification is factually not correct, as the appeal is not directed against the judgment or decree rendered by a Commercial Court.



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3. Be that as it may, there is a delay of 326 days in preferring the appeal and therefore, the appellant has taken out an application in C.M.P.No.13017 of 2024 seeking condonation of delay. The Court notice

sent to the 1st respondent, who is the successful plaintiff, was received by him on 23.08.2024. Since there was delay in serving notice to the other respondents, this Court has ordered paper publication and the same was also effected on 30.10.2024. On the very same day, the Court notice to R2 and R3 was also served and acknowledgments were received.

4. When the matter was listed today, with the names of the respondents printed in the cause list, the learned counsel for the petitioner/appellant present. There was no representation for the respondents.

5. The learned counsel for the appellant submits that he has not received any instructions from his client regarding the filing of execution petition by the 1st respondent.



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6. Considering the reason stated in the affidavit for condonation of delay, we are of the opinion that the reason stated is sufficient to condone the delay. Hence, the delay is condoned.

[Dr.G.J., J.] & [M.S.K., J.]
17.11.2025

rpl

Note: The Registry is directed to number as regular appeal suit, if it is otherwise, in order.

Dr.G.JAYACHANDRAN,J.



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