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C.M.P.Nos. 11335, 11336 & 11337 of 2025
and
O.S.A.Sr.Nos. 59494, 59496 & 59495 of 2025

Dr. ANITA SUMANTH, J.
and
N.SENTHILKUMAR, J.

(Order of the Court was made by Dr. ANITA SUMANTH., J.)

The present petitions seek condonation of delay of 621 days in filing the Original Side Appeals challenging order dated 03.02.2021 passed by this Court.

2. The petitioner is a senior citizen and the reasons for the delay have also been adumbrated at paragraphs 15 and 16 of the accompanying petitions, which read as follows:-

"15. I submit that there is a delay of days in filing the Original Side Appeals. The 1st Defendant is a senior citizen living alone with his septuagenarian wife, who is for the past few years suffering from mild cognitive impairment due to Alzheimer's disease alongside hypertension and diabetes mellitus (DM). The 1st Defendant cannot leave his wife unattended for long period of time, and is already himself enfeebled with juggling work and taking care of his wife. Furthermore, none of their children are living with them or supporting them in any way, even for their day-to-day activities. I state that I obtained certified copy of the Order on 28.06.2023. Initially, I was advised to consult with counsel at Salem to take appropriate legal action to seek restitution of the property. As a matter of fact, the said contention was raised as one of the defences by the Plaintiff. Accordingly, I consulted my counsel at Salem. But, to my dismay, the said counsel gave a different opinion suggesting me to approach this Hon'ble Court to seek appropriate relief.

16. I submit that acting upon the advice given by my Counsel at Salem, I contacted my counsel at Chennai who reiterated his original view and



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advised that my remedy has to be worked out only at Salem where my immovable properties were obtained from me by the Plaintiff towards the substantial satisfaction of the ex-parte Decree passed by this Hon'ble Court in C.S. No. 290 of 2004. I state that the divergent legal opinion by such counsel rendered me helpless and perplexed. Therefore, I was constrained to approach other another counsel by furnishing the voluminous case papers to them. The said counsel took time to go through the entire documents and render their advice which predominantly encouraged me to engage the present counsel. I state that being a permanent resident of Salem, I had to travel all the way to Chennai to instruct the counsel intermittently, as the case involves intrinsic facts. After several meetings with my present counsel, I was able to file these present Original Side Appeals.

3. We are of the considered view that the reasons stated above would suffice to establish that there are sufficient reasons for the delay to have transpired. Hence the delay of 621 days in filing the Original Side Appeals are condoned and these petitions are ordered.

4. Let Original Side Appeals be numbered if it is otherwise in order and list 'for admission' in due course.

[A.S.M., J] [N.S., J]
02.06.2025

ssm



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