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CMP No. 1044 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 1044 of 2025

in

SA SR No. 60412 of 2024

VEERAMANI

Appellant(s)

Vs

KRISHNAVENI

AND 4 OTHERS

Respondent(s)

PRAYER

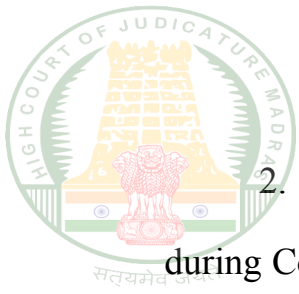
To condone the delay of 899 days in filing the present Second Appeal

For Appellant(s): Mr. P.Dinesh Kumar

For Respondent(s): Mr. M Muruganantham for R1
Mr. T Elumalai for R2 & R3
Mr.G.Shanmugam for R4 & R5

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 899 days in filing the above Second Appeal against the judgment and decree dated 28.09.2021 passed in A.S.No.102 of 2018, on the file of Sub-Court at Ulundurpet reversing the judgment and decree passed in O.S.No.351 of 2007 dated 05.07.2018 on the file of Addl. District Munsif Court, Ulundurpet.



2. Mr.P.Dinesh Kumar, learned counsel for appellant submitted that during Covid-19 pandemic, the appellant was affected with covid and hence, he was advised to be in self-quarantine till 3rd week of March 2022. So, the appellant was not able to come to Chennai and to engage his counsel. Only during the first week of May 2022, he was recovered and he gave instructions to file the Second Appeal. However, there is a delay of 899 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.M.Muruganantham, learned counsel for 1st respondent, Mr.T.Elumalai, learned counsel for respondents 2 and 3 and Mr.G.Shanmugam, learned counsel for respondents 4 and 5 have appeared and raised strong objections stating that no sufficient cause assigned for the said delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to covid-19 pandemic, he was not able to file the second appeal within a stipulated time, which seems to be justifiable one and to avoid multiplicity of proceedings as well as 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/- each (Totally a sum of Rs.6000/-) payable to the learned counsel for 1st respondent, learned counsel for respondents 2 and 3 and learned counsel for respondents 4 and 5 respectively 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 27.03.2025.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

N.B.: Issue order copy on 14.03.2025

To

1. Addl. District Munsif Court, Ulundurpet.

2. Subordinate Court, Ulundurpet.

3. Mr.M.Muruganantham, Advocate.

MM Office, No.257, 3rd floor,
Canara Bank Building,
Angappan Naicken Street,
Chennai-600 001.

4. Mr.T.Elumalai, Advocate.

No.93/45, 3rd floor,
SM Plaza, Armenian Street,
Chennai-600 001.



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T.V.THAMILSELVI J.

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