



CMP No. 1559 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 1559 of 2025

in

SA SR No. 66492 of 2024

V.Ponni

Appellant(s)

Vs

S.Loganathan

Sarva Seva Farms Association No. 279,

Avvai Shanmugam Salai, Royapettah,

Chennai 014

AND 2 OTHERS

Respondent(s)

PRAYER

To condone the delay of 146 days in filing the above said Second Appeal against the Judgment and Decree passed by the Sub-Ordinate Court, at Cheyyar in A.S.No. 41 of 2015 dated 04.08.2023 confirming the Judgment and Decree passed by the Learned Principal District Munsif Court, at Cheyyar in O.S. No.10 of 2011 dt. 01.08.2015.

For Appellant(s): Mr V.Ramanareddy

For Respondent(s): Mr. N Kumar Rajan for R1 & R2



ORDER

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This petition has been filed seeking to condone the delay of 146 days in filing the above Second Appeal against the judgment and decree dated 04.08.2023 passed in A.S.No.41 of 2015, on the file of Sub-Court at Cheyyar confirming the judgment and decree passed in O.S.No.10 of 2011 dated 01.08.2015 on the file of District Munsif Court, Cheyyar.

2. Mr.V. Ramana Reddy, learned counsel for petitioner submitted that immediately after getting certified copy of judgment and decree passed in AS.No.41 of 2015 as well as due to her old age, she was suffered with age related health issues, she was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the first week of June 2024, he handed over papers to counsel on record and the second appeal was filed on 03.06.2024. Hence, there is a delay of 146 days in filing the above second appeal arose, which is neither wilful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr. N.Kumarrajan, learned counsel for respondents 1 and 2 appeared and raised strong objections stating that no sufficient reason assigned for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to her old age and due to lack of



communication, she was unable to file the second appeal within a stipulated time, which seems to be justifiable one and that the fact that she was a senior citizen, aged about 53 years 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/- payable to the learned counsel for respondents 1 and 2 on or before 15.04.2025. On such deposit, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 01.07.2025.

01-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Subordinate Judge, Cheyyar.

2. Principal District Munsif, Cheyyar

3. V.Ponni,

W/o. Vinayagam @ Vinayagamoorthy,
No.23, Vayalur Village,
R.N.Kandigai Post, Manampatty (via),
Uthiramerur Taluk, Kancheepuram Dt.

4. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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