



WEB COPY



C.M.P. No. 12206 of 2023
in S.A.SR.No.69897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

**CMP No. 12206 of 2023
AND
SA SR NO. 69897 OF 2023**

JAYALAKSHMI
and another

Appellant(s)

Vs

Navaneedam (alias) Kali (deceased)
1.Thirugnanasambandham,
and 3 others

Respondent(s)

PRAYER

To condone the delay of 40 days in filing the Second Appeal in SASR No.69897 of 2023.

For Appellant(s): Mr.A.E.Ravichandran

For Respondent(s):

Mr.G.Mohamed Aseef for R1

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 40 days in filing the above Second Appeal against the judgment and decree dated 30.06.2022 passed in A.S.No.58 of 2014, on the file of Addl. Subordinate Court at Tindivanam confirming the judgment and



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decree passed in O.S.No.1 of 2009 dated 01.12.2014 on the file of District
Munsif cum Judicial Magistrate Court, Vanur.

2. Mr.A.E.Ravichandran, learned counsel for appellants submitted that as the petitioners hail from a poor family and dependent on their income from agricultural labour, it took time to mobilise the funds, due to which the appellant was not able to come to Chennai and to engage his counsel. Only during the second week of August 2023, they gave instructions to file the Second Appeal. However, there is a delay of 40 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. G.Mohamed Aseef, learned counsel for 1st respondent appeared and raised strong objections stating that no sufficient reasons stated for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one and to avoid multiplicity of proceedings as well as to give one more opportunity, this court is inclined to allow this petition. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 20.03.2025.

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T.V.THAMILSELVI, J.

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