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C.M.P. No.15935 of 2024 in
S.A.SR No. 66570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29-01-2025

CORAM
THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 15935 of 2024
AND
SA SR NO. 66570 OF 2024

PALANISWAMY

Vs

Appellant(s)

SELVI
and 7 Others

Respondent(s)

For Appellant(s):

Mr.T.R.Rajaraman

For Respondent(s):

Mr.P.Navaneetha Krishnan for R1

No appearance – R2 to R8

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 750 days in filing the above Second Appeal against the judgment and decree dated 25.10.2019 passed in A.S.No.29 of 2018, on the



C.M.P. No.15935 of 2024 in
S.A.SR No. 66570 of 2024

file of I Addl. District and Sessions Court at Salem reversing the judgment and decree passed in O.S.No.34 of 2011 dated 02.06.2017 on the file of District Munsif Court, Attur.

2. Mr.T.Rajaraman, learned counsel for petitioner submitted that due to the death of first appellate court counsel, there is lack of communication. Hence, the petitioner is not able to file this appeal within a stipulated time. Only after receipt of notice in the final decree proceedings, he came to know that the appeal suit was dismissed. Hence, there is a delay of 750 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.P.Navaneetha Krishnan, learned counsel for 1st respondent appeared and raised strong objections stating that in order to evade the proceedings, he has come forward with this Second Appeal.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to the death of earlier counsel



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S.A.SR No. 66570 of 2024

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appeared in the appeal suit, the Second Appeal was not filed in time 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.3000/- payable to the learned counsel for 1st respondent and the cost was paid by the learned counsel for petitioner in open court to him.

5. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 06.02.2025.

29-01-2025

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T.V.THAMILSELVI, J.



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C.M.P. No.15935 of 2024 in
S.A.SR No. 66570 of 2024

rpp

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