



C.M.P.No.15226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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CORAM
THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**

C.M.P.No.15226 of 202
in
A.S.SR.No.25577 of 2021

CPK Ramesh

.. Petitioner

/Versus/

S.Kumaravelu(Died),

1.K Premakumari
2.K Balasubramani
3.Lakshmi

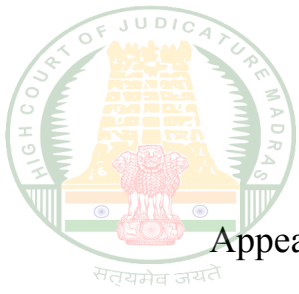
.. Respondents

PRAYER: Civil Miscellaneous Petition filed under Order 4 Rule 9 of A.S.Rules, pleaded to condone the delay of 1533 days in representing the above Appeal suit in AS.Sr.No.25577/2021.

For Petitioner : M/s.Padmaja Mohan

ORDER

The suit for declaration of title and recovery of possession, after contest, was allowed on 17.10.2019. Steps were taken for recovery of possession and orders were passed. At this juncture, the present petition has been filed to condone the delay of 1533 days in representing the



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Appeal Suit.

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2. The learned counsel appearing for the petitioner submitted that though the appeal was filed in time, due to the sudden ill health of the appellant, the matter could not be pursued. The appeal papers were returned for rectifying defects, but were not re-presented in time. Thus, the delay of 1533 days.

3. The case pertains to a landlord seeking recovery of possession. Earlier an R.C.O.P.No.2015 of 2014, was filed and subsequently, a suit for recovery of possession was filed. The suit was filed in the year 2017 and decreed in 2019. The appeal suit was stated to have been presented on 05.03.2021, though the decree copy was made ready on 22.01.2020. Even after filing the appeal with delay and defects, the appellant failed to take steps to rectify the defects or pursue the matter diligently.

4. The reasons stated in the affidavit filed in support of the condone delay petition also not satisfactory. Accordingly, the Civil Miscellaneous Petition is dismissed. Consequently, the Appeal Suit is



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also dismissed at the SR state itself.

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Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

rpl

To

The XVI Additional City Civil Court, Chennai.

G.JAYACHANDRAN, J.



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