



CMP NO. 20658 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2025

CORAM

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CMP NO. 20658 of 2023 in

AS.SR.No.107553 of 2023

THANGAVEL

S/o. Ayyakannu, correspondent, Annai Matriculation School,
Bharathi Nagar, Thaluthali Village and Post, Arubavur(Via),
Veppanthattai Taluk, Perambalur District

Appellant(s)

Vs

PERIYASAMY

S/o. Veerasamy, 1/16A, Ottar Street, Thittacheri Village,
Lathuvadi Post, Gangavalli Taluk, Salem District and 2 Others

Respondent(s)

For Appellant(s):

S.Pushpakaran
T Vairavi

For Respondent(s):

R1 – S.M.Vivekanandh

R-3 R.Anitha, Special Government Pleader

R2 - No Such Addressee

Pvt Notice

Aos Not Filed

ORDER

This petition has been filed to condone the delay of 442 days in filing this Appeal Suit
against the decree and judgment dated 25.02.2022 passed in O.S.No.56 of 2018 on the



file of the Principal District Judge, Perambalur, wherein compensation has been to the plaintiff.



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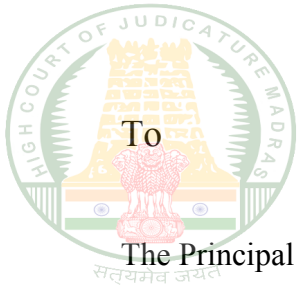
2. The reasons assigned for condoning such a huge delay is that there was an agreement reached between the petitioner and the respondent on the next date of accident on 15.06.2015. That apart, the petitioner was also suffering financially and mentally for quite for some time. Therefore, he was not in a position to work out his legal remedy. Except for the above reasons, no other reasons have been stated to condone such a huge delay of 442 days and the delay has not been explained in the entire affidavit.

3. Admittedly, the suit has been decreed on 25.02.2022. Therefore, merely on the basis of such a casual explanation that he was financially suffering and mentally ill quite for some time, such a huge delay cannot be condoned. The suit itself has been decreed for the death of a 19 years old employee engaged by the petitioner herein. Negligent aspect has been clearly established in evidence. In such view of the matter, as a matter of right, such a huge delay cannot be condoned on the basis of the casual explanation given before this Court. Hence, I do not find sufficient reason to condone such a huge delay.

4. Accordingly, this petition is dismissed. Consequently, the Appeal Suit is rejected.

20-02-2025

VRC



To

The Principal District Judge, Perambalur.



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