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CMP NO. 21245 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 21245 of 2023

in

SA.SR.No.105626 of 2022

N.Kuppusamy
S/o Narasimma Pillai, Chinnapulivalam Village,
Walaji Taluk, Ranipet Dist.

Appellant(s)

Vs

K.Varadapillai
S/o.Kanna Pillai, Chinnapulivalam, Walaja Tk,
Ranipet Dist. and 2 Others

Respondent(s)

For Appellant(s):

M/s V.Rajendran

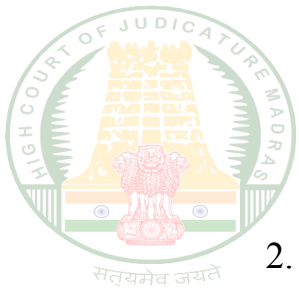
For Respondent(s):

M/s. P.Krishna

For Rr1 & 2

ORDER

This Petition has been filed to condone the delay of 2524 days in filling the above second appeal S.A.SR.NO.105626 of 2022.

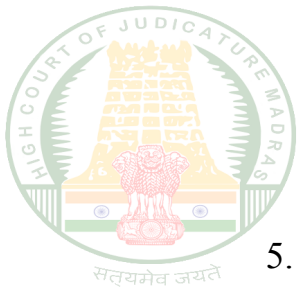


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2. Heard the learned counsel for the appellant, learned counsel for the respondents and perused the material available in the record.

3. The learned counsel for the appellant submitted that the earlier counsel who was appeared for the appellant was unable to follow the proceedings and die not provide proper instructions. Due to lack of communication, the appeal could not be filed in time. However, the appellant approached the Court seeking a declaration and has been fighting his case for the past three years. He claims to have valid defence to prove his case and prays for the delay to be condoned.

4. The learned counsel for the respondents raised objections, stating that the reason for the delay has not been properly explained. Furthermore, he pointed out that the delay comes around more than 3000 days. In support his arguments, he relied on the following authority reported in *(2013) 14 Supreme Court cases 81, Basawaraj and another Vs. Special Land Acquisition officer.*



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5. On considering both side submissions of both sides and on perusal of the records, it is reveled that the appellant / petitioner had approached the Court seeking for the relief of declaration in the year 2007. Having lost his case before the Courts below, he continued to proceed with the earlier counsel who had not been given proper instructions, therefore, the appeal was not filed in time. Now, the petitioner, who is aged about 75 years, seeks to avoid further complications, this Court is inclined to condone the delay, subject to payment of costs.

6. The petitioner / appellant is directed to pay a sum of Rs.2,000/- (Rupees Two thousand only) to the contesting respondents on or before 29.04.2025. On such payment, the delay of 2524 days in filling the above second appeal in S.A.SR.No.105626 of 2022, stands condoned.

7. Accordingly, this Civil Miscellaneous petition is allowed.

8. Registry is directed to list the above Second Appeal after numbering the same, if they are otherwise in order on 30.04.2025.

25.04.2025

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T.V.THAMILSELVI, J.

rrl

To

1.N.Kuppusamy

S/o Narasimma Pillai, Chinnapulivalam Village, Walaji Taluk, Ranipet Dist.

CMP NO. 21245 of 2023

in

SA.SR.No.105626 of 2022

25.04.2025

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