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C.M.P. No. 7257 of 2024
in S.A.SR.No.112631 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

**CMP No. 7257 of 2024
AND
SA SR NO. 112631 OF 2023**

Ravi.V

Appellant(s)

Vs

1. Bharathi Kamalanathan
2. Girija
3. Shanthi
4. M.Latha
5. Suguna
6. Sureka
7. Subash
8. Sujatha

Respondent(s)

PRAYER

To condone the delay of 164 days in filing the Second Appeal in SASR No.112631 of 2023.

For Appellant(s): M/s.R. Chandramohan

For Respondent(s):
M/s. C.D.Sugumar for R1



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ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 164 days in filing the above Second Appeal against the judgment and decree dated 29.11.2022 passed in A.S.No.05 of 2018, on the file of Addl. District Court at Arani modifying the judgment and decree passed in O.S.No.121 of 2012 dated 22.06.2017 on the file of Subordinate Court, Cheyyar.

2. Mr.R.Chandramohan, learned counsel for appellant submitted that as the deposition of P.W.1 and D.W.1 was not available, the same was obtained, due to which, the appellant was not able to come to Chennai and to engage his counsel. Only during the 3rd week of August 2023, he gave instructions to file the Second Appeal. However, there is a delay of 164 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. C.D.Sugumar, 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



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allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel for 1st respondent within a period of two weeks from the date of receipt of copy of this order. On such payment of cost, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 25.03.2025.

03.03.2025

rpp

N.B. : Issue order copy on 04.03.2025



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T.V.THAMILSELVI, J.

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