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CMP NO. 21349 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 21349 of 2024

in

SA.SR.NO.4775 of 2023

P.Namasivayam
S/O. Periyamalai, D.No.46, Rajathal Compound,
Poochakaadu 1st Street, Mangalam Road,
Tiruppur. and another

Appellant(s)

Vs

Velusamy (Died)1. Saravanaprabu
S/o.Late Velusamy, D.No.4/71,
karuppagoundampalayam Road, Tamilnadu
Theatre Cross Street, Tiruppur -4. and 2 Others

Respondent(s)

For Appellant(s):

B.Kumarasamy

For Respondent(s):

Mr.M.S.Gokulraj For M/s.P.V. Law Associates For R1
And R3

R2 - No Appearance

ORDER

This Petition has been filed to condone the delay of 430 days in
filling above SA.SR.No.4775 of 2023.



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2. Heard the learned counsel for the appellants and learned counsel for the respondents. The material available on record has been perused.

3. The Learned Counsel for the appellants submitted that although the appellant had filed a copy of the order in time, due to his illness, he was unable to obtain the order promptly. Consequently, because of his illness, the appeal could not be filed within the prescribed period.

4. The learned counsel for the respondents 1 & 3 strongly objected to the appellants' submission.

5. To avoid further multiplicity of proceedings, this Court is inclined to condone the delay, subject to costs.

6. The petitioners / appellants are directed to pay a sum of Rs.5,000/- (Rupees Five thousand only) to the contesting respondents 1 & 3, on or before 15.04.2025. On such payment, the delay of 430 days in filing the above SA.SR.No.4775 of 2023, stands condoned.



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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 15.04.2025.

17-03-2025

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To

1. P.Namasivayam
S/O. Periyamalai, D.No.46, Rajathal Compound,
Poochakaadu 1st Street, Mangalam Road,
Tiruppur. and another

2.The Principal District Judge, Tiruppur.

3. The Additional Subordinate Judge, Tiruppur.



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T.V.THAMILSELVI, J.

rrr

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