



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 1433 of 2025

AND

SA SR NO. 85519 OF 2017

A.Krishnan
and another

Appellant(s)

Vs

KALYANI
and 3 Others

Respondent(s)

For Appellant(s) :

Mr.V.Nicholas

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 528 days in payment of deficit court fee of Rs.5000/- in the above appeal.

2. Mr.V.Nicholas, learned counsel for petitioner submitted that the above second appeal arises out of a suit filed by the respondents for partition and separate possession of 1/6th share and for partition by paying a court fee of Rs.825.50. Based on that, the court fee was paid, however, Registry returned the papers on 03.11.2017 pointing out to pay a sum of R.5000/- for the relief of partition after the amendment of Tamil Nadu Court Fees Act. Only in the first week of April 2019, the petitioner arranged the said amount and again it was returned for filing affidavit in support of



stay petition. However, the paper was mixed up with disposed of bundle and it could not be traced out and only during the 2nd week of September, 2021, it was traced out. Hence, there is a delay of 528 days in the said payment arose and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition. Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on the 3rd week of February 2025.

27.01.2025

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T.V.THAMILSELVI, J.



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3

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in
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