



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**

and

THE HONOURABLE MR. JUSTICE **M.JOTHIRAMAN**

C.M.P.No.22753 of 2025

in

A.S.SR.No.87634 of 2024

Park Town Benefit Fund Ltd
Having Registered Office at
223, Mint Street, Chennai 600 003
and a branch office at
73 @ 74 Arcot Road,
Kodampakkam,
Chennai 600 024

.. Petitioners / Appellant

Vs.

1.Meherunisa
2.Zakiamma
3.Mehebunissa
4.Farhana
5.Abdul Khuddose
6.Rehana
7.M.Atahur Rahaman
8.M.Ameenur Rahman

.. Respondents / Respondents

PRAYER: Appeal Suit is filed under Order 41 Rule 3(A) of C.P.C, to condone the delay 6148 days in filing the appeal order dated 11-06-2007 made in I.A.No.18502 of 2005 in O.S.No.7759 of 1997 on the file of the IV Additional City Civil Court, Chennai.



For Petitioner : Mr.S.Santhosh Kumar

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ORDER

[Order of the Court was made by Dr.G.JAYACHANDRAN., J.]

This Civil Miscellaneous Petition has been filed by the Managing Director of M/s. Park Town Benefit Fund Limited, seeking to condone the delay of 6148 days in filing an appeal against the final decree dated 11.06.2007 in O.S.No.7759 of 1997 on the file of the IV Additional City Civil Court, Chennai.

2. The above suit filed by the respondents for permanent injunction and redemption of mortgage against the petitioner herein, who is a benefit fund/financial institution. It appears that apprehending sale of the mortgage property, the respondent has filed the suit, contending that a substantial portion of the loan amount had already been paid and only a sum of Rs.5,65,707.87 remained outstanding. Despite the respondents willingness to deposit the said amount, the petitioner proceeded to bring the property for sale.

3. The petitioner filed a written statement, disputing the claim and



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raised certain contentions. However, the matter did not progressed further, which has led to the passing of a preliminary decree on 15.12.2000, followed by the final decree on 11.06.2007.

4. It is the contention of the petitioner that due to seizure of management by a Government-appointed official (a retired Inspector General of Registration) and due to shifting of records from one branch to another, they were unable to follow up the case. The petitioner claims that the judgment and decree came to their notice only during a routine inspection and if the delay is not condoned and the ex parte decree not interfered, the petitioner company will be put to grave prejudice and financial loss.

5. It is a well settled principle of law that delay in filing an appeal should be explained with sufficient and satisfactory reasons. In the present case, the petitioner has filed a petition seeking condonation of delay of 6148 days, which is nearly about 17 years. However, the petitioner had not furnished any details as to what prevented them for contesting the suit after having filed the written statement. While a preliminary decree passed on 15.12.2000 and the final decree passed on 11.06.2007, the present petition to



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set aside the ex parte decree, along with the petition for condonation of delay has been filed only on 09.07.2024.

6. The affidavit filed in support of the petition is bereft of details to substantiate and satisfy the reason for delay. Hence, this Court is not inclined to condone the enormous delay which is not been properly and satisfactorily explained.

7. Accordingly, this Civil Miscellaneous Petition stands dismissed. Consequently, the Appeal is rejected at the SR stage itself. No costs.

[Dr.G.J., J.] & [M.J.R., J.]
19.09.2025

rpl

To

The IV Additional City Civil Court, Chennai.



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Dr.G.JAYACHANDRAN., J.
and
M.JOTHIRAMAN., J.

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