



CMP No. 1011 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 1011 of 2024

IN

SA SR NO. 128115 OF 2023

S.Surender

AND ANOTHER

Appellant(s)

Vs

Ramani Kannan

AND ANOTHER

Respondent(s)

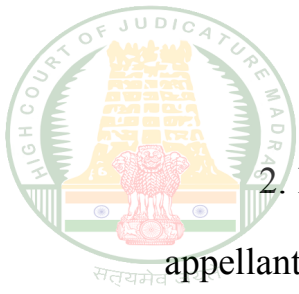
PRAYER

To condone the delay of 223 days in filing this Second Appeal.

For Appellant(s): Mr.P.Subba Reddy

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 223 days in filing the above Second Appeal against the judgment and decree dated 24.11.2022 passed in A.S.No.17 of 2015, on the file of Principal Sub-Court at Ponneri confirming the judgment and decree passed in O.S.No.69 of 2011 dated 28.10.2015 on the file of District Munsif Court, Ponneri.



2. Mr.P.Subba Reddy, learned counsel for petitioner submitted that as the appellant went to abroad, he was not able to engage a counsel for filing the Second Appeal within a stipulated time. Only during the first week of October 2023, he returned from abroad and handed over papers to counsel. However, there is a delay of 223 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.K.Balasubramanian, learned counsel representing legal heirs of 1st respondent appeared and raised strong objections stating that no sufficient cause stated for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that since the appellant went abroad, he was not able to file the Second Appeal within a stipulated time, which seems to be justifiable one and to avoid multiplicity of proceedings as well as to give one more opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel representing legal heirs of deceased 1st respondent within a period of two weeks from the date of receipt of copy of this order. On such deposit, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 07.04.2025.

18-03-2025



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Principal Subordinate Judge, Ponneri, Tiruvallur District.
2. District Munsif, Ponneri, Tiruvallur District.
3. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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