



WEB COPY



C.M.P. No. 24575 of 2024
in S.A.SR.No.140984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 24575 of 2024

AND

SA SR NO. 140984 OF 2024

THULASIRAMAN

Appellant(s)

Vs

JEEVANANDAM
and 7 Others

Respondent(s)

For Appellant(s) :

Mr.R.Govindasamy

For Respondent(s) :

Mr.T.Karunakaran for R5

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 105 days in filing the above Second Appeal against the judgment and decree dated 14.03.2024 passed in A.S.No.11 of 2017, on the file of Sub-Court at Gudiyattam confirming the judgment and decree passed in O.S.No.222 of 2010 dated 27.10.2017 on the file of District Munsif Court, Gudiyattam.

2. Mr.R.Govindasamy, learned counsel for appellant submitted that due to family circumstances as well as illness, the appellant was not able to come to Chennai and to engage his counsel. Only during the 2nd week of



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October 2024, he gave instructions to file the Second Appeal. However, there is a delay of 105 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.T.Karunakaran, learned counsel for 5th respondent submitted that the 4th defendant died and the defendants 4 to 9 are her legal heirs and now son only contesting the case. As he is representing one of legal heirs of 4th defendant appeared and raised formal objections in allowing this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and to avoid multiplicity of proceedings, this court is inclined to allow this petition. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 24.02.2025.

03.02.2025

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T.V.THAMILSELVI, J.

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