



WEB COPY

CMP No. 2139 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 2139 of 2025

in

SA SR. No. 37531 of 2022

P.Kasi

Appellant(s)

Vs

Vilvaraj
and 4 others

Respondent(s)

PRAYER

To condone the delay of 4133 days in filing this second appeal against the Judgement and Decree dated 23.01.2013 passed in A.S. No.70 of 2012 on the file of the learned Principal Sub Ordinate Court at Salem confirming the Judgement and Decree of the I Additional District Munsif, Salem dated 26.10.2010 made in OS No.792 of 2008.

For Appellant(s): Ms.S. Vasavi Sridevi
M.Rajasekar

For Respondent(s): Mr M. Ganesh for RR1 To 3
And R5



ORDER

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This Civil Miscellaneous Petition has been filed seeking to condone the delay of 4133 days in filing the above Second Appeal against the judgment and decree dated 23.01.2013 passed in A.S.No.70 of 2012, on the file of Principal Sub-Court at Salem confirming the judgment and decree passed in O.S.No.792 of 2008 dated 26.10.2010 on the file of I Addl. District Munsif Court, Salem.

2. Ms.S.Vasavi Sridevi, learned counsel for appellant submitted that due to lack of communication, the appellant was not able to come to Chennai and to engage his counsel for filing the above Second Appeal. Only during the third week of October 2024, he gave instructions to file the Second Appeal. However, there is a delay of 4133 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.M.Ganesh, learned counsel for respondents 1 to 3 and 5 appeared and raised strong objections stating that no sufficient cause assigned for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to lack of communication, the above



Second Appeal was not filed within a stipulated time, which seems to be justifiable one and also the fact that 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 for respondents 1 to 3 and 5 within a period of one week from the date of receipt of copy of this order. 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.

11-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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