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CMP NO 27776 OF 2023  
IN SA SR NO. 144448 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

**CMP NO. 27776 of 2023**

**AND**

**SA SR NO. 144448 OF 2023**

V.K.Sakthivel

Appellant(s)

Vs

RAMASAMY  
and 10 Others

Respondent(s)

**For Appellant(s):**

Mr.K.Govi Ganesan

**For Respondent(s):**

Mr.P.Kannan Kumar for R2

No appearance – R1, R4, R6, R7, R8 & R11

R3, R5, R9 & R10 - died

### **ORDER**

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 532 days in filing the above Second Appeal against the judgment and decree dated 21.01.2020 passed in A.S.No.33 of 2017, on the



CMP NO 27776 OF 2023  
IN SA SR NO. 144448 OF 2023

file of Sub-Court at Kangayam reversing the judgment and decree passed in O.S.No.376 of 2007 dated 30.06.2011 on the file of District Munsif Court, Kangayam.

2. Mr.K.Govi Ganesan, learned counsel for appellant submitted that as the certified copy of judgment and decree passed Appeal Suit in A.S.No.33 of 2017 was not available, the same was obtained and thereafter, due to Covid-19 pandemic as well as due to death of petitioner's mother, the appellant was not able to come to Chennai and to engage his counsel. Only during the month of September 2023, he gave instructions to file the Second Appeal. However, there is a delay of 532 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. 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 Second Appeal if it is otherwise found to be in order.

**27.01.2025**

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CMP NO 27776 OF 2023  
IN SA SR NO. 144448 OF 2023

**T.V.THAMILSELVI, J.**

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**CMP NO 27776 OF 2023  
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SA SR NO. 144448 OF 2023**

**27.01.2025**