



WEB COPY

CMP No. 25815 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 25815 of 2024

in

SA SR No 135290 of 2024

Pushpa Ammal (died)

1. Samundeeshwari

AND 2 OTHERS

Appellant(s)

Vs

KUPPAN

AND 2 OTHERS

Respondent(s)

PRAYER

To condone the 493 days delay in preferring Second Appeal before this Honble Court.

For Appellant(s): Mr. G. Prabhakar

For Respondent(s): Mr. M.L. Ramesh for R1 & R2

Mr. R.Siddharth,
Addl. Govt. Pleader for R3

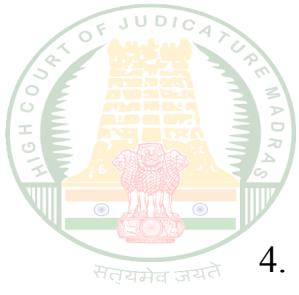
**ORDER**

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This Civil Miscellaneous Petition has been filed seeking to condone the delay of 493 days in filing the above Second Appeal against the judgment and decree dated 20.02.2023 passed in A.S.No.28 of 2022, on the file of Subordinate Judge, Katpadi confirming the judgment and decree passed in O.S.No.218 of 2011 dated 16.11.2021 on the file of District Munsif Court, Katpadi.

2. Mr.G.Prabhakar, learned counsel for appellants submitted that as the 1st and 2nd petitioners are senior citizens and due to lack of communication, they are not able to file the Second Appeal within a stipulated time. Only during the first week of October 2024, they gave instructions to file the Second Appeal. However, there is a delay of 493 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.L.Ramesh, learned counsel for respondents 1 and 2 appeared and raised strong objections stating that 1st and 2nd respondents also aged about 73 and 67 years respectively and they are also senior citizens. Furthermore, the reason for the delay was not properly explained. Hence, he prayed to dismiss this petition.



4. Considering the facts and circumstances of the case and the reasons stated by the petitioners stating that they are senior citizens and due to lack of communication, the Second Appeal was not filed 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 petitioners shall pay a cost of Rs.3000/- payable to the learned counsel for respondents 1 and 2 within a period of two weeks from the date of receipt of copy of this order. On such payment, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 25.03.2025.

05-03-2025

rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

N.B. : Issue order copy on 05.03.2025

To

1. Sub Registrar

K.V. Kuppam, Katpadi Tk, Vellore dt.

2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI J.

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SA SR NO.135290 of 2024**

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