



C.M.P. No. 2117 of 2024
in S.A.SR.No.49229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 2117 of 2025

AND

SA SR NO. 49299 OF 2022

GNANA SUNDARI (Died),
I.R.Ganapathi
A.K.Raja Badhar (Died)
and 3 Others

Appellant(s)

Vs

MUNUSAMY REDDY(Died),
I.Ekambaram,
and another

Respondent(s)

For Appellant(s) :

Mr.S.Udhaya Kumar

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 989 days in filing the above Second Appeal against the judgment and decree dated 09.08.2021 passed in A.S.No.7 of 2012, on the file of IV Addl. District and Sessions Court, Ponneri confirming the judgment and decree passed in O.S.No.59 of 1987 dated 14.07.1992 on the file of Sub-Court, Thiruvallur.

2. Today, when the matter taken up for hearing, Mr.S.Udhaya Kumar, learned counsel for appellant submitted that there is a delay of 989



C.M.P. No. 2117 of 2024
in S.A.SR.No.49229 of 2022

days was wrongly typed. In fact, there is a delay of 31 days in filing the above appeal. He would also submit that as the certified copy of judgment and decreed passed in A.S.No. 7 of 2012 was obtained on 21.03.2022, the above appeal was filed on 29.04.2022, which would have been filed on or before 29.03.2022. Hence, due to delay in receiving the copy of judgment, the Second Appeal was not filed within a stipulated time. Only during the 4th week of October 2024, he gave instructions to file the Second Appeal. However, there is a delay of 31 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 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 17.02.2025.

03.02.2025

rpp



WEB COPY



C.M.P. No. 2117 of 2024
in S.A.SR.No.49229 of 2022

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 2117 of 2025
in
S.A.SR.. No. 49229 of 2022

03.02.2025