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C.M.P. No. 26986 of 2024
in S.A.SR.No.155495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 26986 of 2024

AND

SA SR NO. 155495 OF 2024

RAVISANKAR

Appellant(s)

Vs

LAKSHMANAN
and 2 Others

Respondent(s)

For Appellant(s) :

Mr.S.Arivazhagan

For Respondent(s) :

Mr.Frangklin for

M/s. Sarvabhuman Associates for R2

No appearance – R1 & R3

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 140 days in filing the above Second Appeal against the judgment and decree dated 27.02.2024 passed in A.S.No.23 of 2020, on the file of Principal District Judge at Namakkal confirming the judgment and decree passed in O.S.No.11 of 2010 dated 07.08.2019 on the file of Principal Subordinate Judge, Namakkal.

2. Mr.S.Arivazhagan, learned counsel for appellant submitted that

due to illness, the appellant was not able to come to Chennai and to engage



C.M.P. No. 26986 of 2024
in S.A.SR.No.155495 of 2024

his counsel. Only during the 2nd week of October 2024, he gave instructions to file the Second Appeal. However, there is a delay of 140 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.Frangklin, learned counsel for 2nd respondent appeared and raised strong objections stating that no sufficient cause was assigned for the delay.

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 on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel for 2nd respondent within a week from the date of receipt of copy of this order. On such deposit, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 21.02.2025.

03.02.2025

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N.B. : Issue order copy on 04.02.2025.



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C.M.P. No. 26986 of 2024
in S.A.SR.No.155495 of 2024

T.V.THAMILSELVI, J.

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C.M.P.No. 26986 of 2024
in
S.A.SR.. No. 155495 of 2024

03.02.2025