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CMP NO. 27756 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 27756 of 2024

in

S.A.SR.No.159268 of 2024

DEVARAJAN

S/o.,Kolanthapudaiyar, Aniyapurampudur,
Aniyapuram Village, Namakkal Taluk, Namakkal
district

Appellant(s)

Vs

D.Sellammal

W/o. Late Duraisamy, Aniyapurampudur,
Aniyapuram Village, Namakkal Taluk, Namakkal
District, D.Subramani(died) and 3 Others

Respondent(s)

For Appellant(s):

M/s. S.Senthil
R Anbukarasu
J Karuppiyah
D Vairamoorthy
M Prem Kumar
R Vivek
K M Arun
S Thirumurugan
N S Deepak

For Respondent(s):

M/s. R.Prabakar-ms/2330/2009

P.Marudhupandiyan-ms/1144/2018



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S. Selvi

S. Ranjith Kumaran

For Rr 1 To 3

R4 - Insufficient address

Pvt. Notice

R2 - Delivered On 09.12.2024 (tracking Sheet Only
Filed)

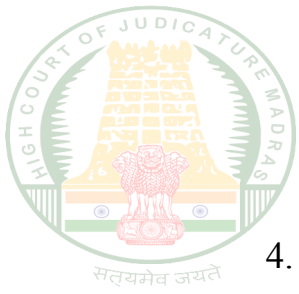
R4 - Addressee Not Known

ORDER

This Petition has been filed to condone the delay of 1001 days in preferring the above S.A.SR.No.159268 of 2024.

2. The learned counsel for the respondents raised strong objections, stating that the appellant / plaintiff failed to prove his claim and he has no valid defence to contest the case.

3. The learned counsel for the petitioner / appellant submitted that the petitioner is aged about 85 years and possesses a valid defence to prove his case.



4. In order to avoid multiplicity of proceedings and to settle the issue, and considering that the delay was due to lack of communication, the petitioner was unable to file the application in time. Therefore, this Court is inclined to condone the delay, subject to costs.

5. The petitioner / appellant is directed to pay a sum of Rs.2,000/- (Rupees Two thousand only) to the contesting respondents R1 to R3, on or before 30.04.2025. On such payment, the delay of 1001 days in preferring the S.A.SR.No.159268 of 2024, stands condoned.

6. Accordingly, this Civil Miscellaneous petition is allowed.

7. Registry is directed to list the above Second Appeal after numbering the same, if they are otherwise in order and also directed to obtain a report from the learned Subordinate Judge, Namakkal, in respect of A.S.No.38 of 2001, within two days and place it in the case bundle. Post the case on 30.04.2025.

25-04-2025

rri

Note: Issue Today (i.e. 25.04.2025)



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T.V.THAMILSELVI, J.

rr

To

1.Devarajan
S/o.Kolanthapudaiyar,
Aniyapurampudur, Aniyapuram Village,
Namakkal Taluk,
Namakkal District.

CMP NO. 27756 of 2024
in

S.A.SR.No.159268 of 2024

25.04.2025