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CMP NO. 4863 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 4863 of 2025

AND

SA SR NO. 78519 OF 2023

1. CHANDRA
and 2 others.

Appellant(s)

Vs

1. ELLAMMA
and 6 others

Respondent(s)

PRAYER

To condone the delay of 240 days in representing the above SA and thus render justice.

For Appellant(s): Mr.V.Nicholas

ORDER

Challenging the judgment and decree passed in A.S.No.17 of 2022, the petitioners preferred the above Second Appeal, however there is a delay of 240 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.



CMP NO. 4863 OF 2025

2. Mr.V.Nicholas, learned counsel for petitioners submitted that the above Second Appeal was returned for rectifying certain defects on 08.05.2024, however, due to inadvertence, the returned papers were mixed up with disposed of case bundles. Hence, it could not be represented within a stipulated time and there is a delay of 240 days arose in representing the above second appeal. The said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit that due to inadvertence, the case papers were mixed up with other disposed of case bundles, it could not be represented within a stipulated time and to give one more opportunity to the petitioners, this court is inclined to allow this petition. Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 01.04.2025.

03.03.2025

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T.V. THAMILSELVI, J.



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