



WEB COPY



C.M.P. No. 311 of 2025
in S.A.SR.No.166286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 311 of 2025

AND

SA SR NO. 166286 OF 2024

Durairaj (died)
1. Chitravalli
and 6 Others

Appellant(s)

Vs

SELVAM
and 5 Others

Respondent(s)

For Appellant(s) :

Mr.J.Shanmuga Sundara Babu

For Respondent(s) :

Ms.J.Hemalatha Gajapathy

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 2018 days in filing the above Second Appeal against the judgment and decree dated 14.02.2019 passed in A.S.No.18 of 2015, on the file of Subordinate Judge at Arakkonam allowing the appeal partly by reversing the judgment and decree passed in O.S.No.191 of 2005 dated 08.07.2014 on the file of District Munsif Court, Arakkonam.

2. Mr.J.Shanmuga Sundara Babu, learned counsel for appellants submitted that after disposal of first appeal, the original 1st defendant was died and thereafter, due to lack of communication, the appellants was not



C.M.P. No. 311 of 2025
in S.A.SR.No.166286 of 2024

able to come to Chennai and to engage their counsel. Only during the first week of December 2024, they gave instructions to file the Second Appeal. However, there is a delay of 2018 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. Ms.J.Hemalatha Gajapathy, learned counsel for respondents 5 and 6 T.N.E.B. appeared and raised strong objections stating that 1st plaintiff had also preferred Second Appeal in S.A.No. 34 of 2020 and the same is pending before this court.

4. Considering the facts and circumstances and the reasons stated by the petitioners in the affidavit stating that after disposal of first appeal, 1st defendant died and due to lack of communication, they could not file the appeal in time 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 respondents 5 and 6 T.N.E.B., Chennai within a period of two weeks from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 18.03.2025 along with connected appeal suit in S.A.No. 34 of 2020.

24.02.2025

rpp

N.B. : Issue order copy on 27.02.2025



C.M.P. No. 311 of 2025
in S.A.SR.No.166286 of 2024

WEB COPY

- 1.The Manager, Union Bank Of India
Arakkonam, Ranipet Dt.
- 2.The Superintendent Engineer,
Tamil Nadu Electricity Board
V.E.D.C. Vellore.
- 3.The Assistant Engineer
TNEB, Pallur Village, Arakkonam
Tk, Vellore Dt (Now Ranipet
Division).
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



C.M.P. No. 311 of 2025
in S.A.SR.No.166286 of 2024

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 311 of 2025
in
S.A.SR.. No. 166286 of 2024

24.02.2025