



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 5427 of 2025

and

SA SR No. 37331 of 2022

Rangammal
AND 2 OTHERS

Appellant(s)

Vs

Kumarasamy
AND 37 OTHERS

Respondent(s)

PRAYER

To condone the delay of 975 days of representing the above SA.SR.No.37331/2022 on the file of this Honourable Court and thus render justice

For Appellant(s): Mr. L.Mouli

ORDER

Challenging the judgment and decree passed in A.S.No.38 of 2013, the petitioner preferred the above Second Appeal, however there is a delay of 975 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.

2. Mr.L.Mouli, learned counsel for petitioner submitted that the above

Second Appeal was returned for rectifying certain defects on 08.04.2022,



however the returned papers mixed up with some other disposal bundles and it could not be traced. Only recently, it was traced out and immediately it was represented. Thereafter, the 2nd petitioner, who is aged about 66 years and due to lack of communication as well as due to age-related health issues, he could not meet his counsel and instruct him to rectify the defect. However, there is a delay of 975 days arose in representing the above second appeal and 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 as the returned papers mixed up with other disposed case bundles, it could not be represented within a stipulated time, which seems to be justifiable one and the fact that the 2nd petitioner, who is a senior citizen, aged about 66 years and to give one more opportunity to the petitioner, 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.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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