



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22-01-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 690 of 2025

AND

SA SR NO. 165859 OF 2023

A.Adhinarayanane
Vijayalakshmi (Died),
D.Arikrishnane (Died)
and 4 Others

Appellant(s)

Vs

GUNASEKAR

Respondent(s)

For Appellant (s) :-

Mr.N.Sivaprakash

ORDER

Challenging the judgment and decree passed in A.S.No.5 of 2020, the petitioner preferred the above Second Appeal, however there is a delay of 95 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.



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2. Mr.N.Sivaprakash, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 03.01.2024. He would submit that due to health issues, he could not meet his counsel and instruct him to rectify the defect and only on 16.04.2024, he gave instructions to his counsel to represent the same. However, there is a delay of 95 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 also due to illness, it could not be represented within a stipulated time 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 04.02.2025.

22.01.2025

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T.V. THAMILSELVI, J.

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in
S.A. SR.No. 165859 of 2023

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