



CMP(MD) No. 9396 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-08-2025

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

CMP(MD) No. 9396 of 2025

in

SA(MD)SR.No. 52114 of 2018

Sankaralingam

... Petitioner / Petitioner

Vs

Kanagaraj

... Respondent / Respondent

Prayer : This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 2223 days in representing the Second Appeal in S.A (MD)SR.No.52114 of 2018.

For Petitioner : Mr.S.Sadeskumar

For Respondent : Mr.S.Siva Thilakar

ORDER

The Civil Miscellaneous Petition is filed to condone the delay of 2223 days in representing the Second Appeal in S.A(MD)SR.No.52114 of 2018.



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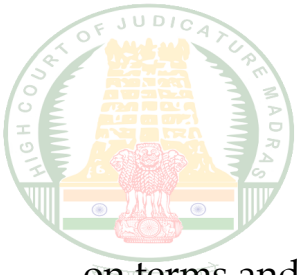
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2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. Learned counsel for the petitioner submits that the papers were returned for compliance on 01.06.2022 and the same has been represented on 28.03.2025. As such the actual delay that occurred in representing the papers is only 1031 days. But however, it has been wrongly calculated as 2223 days. Learned counsel submits that the appellant was seriously ill and he was taking treatment and due to his old age, he was not able to immediately recover and contact the counsel to take steps to comply with the defects. The delay occurred is bonafide which is explained in the affidavit.

4. Learned counsel appearing for the respondent raised his objections for the delay, since the delay is even admittedly, more than nearly three years.

5. Considering the fact that the petitioner / appellant was hospitalized and taking treatment and the delay is explained in paragraph No.8 of the affidavit, I am of the considered opinion that the delay could be condoned by putting the petitioner



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on terms and allow the petitioner / appellant to prosecute the appeal on merits. The
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petitioner / appellant shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to
the credit of the Women Advocates Association, Madurai Bench of Madras High
Court (Account No.6477041768, IFSC Code: IDIB000H040, Indian Bank, High Court
Branch, Madurai, Branch Code: 2001], for the purpose of maintaining Creche, within
a period of two weeks from today (08.08.2025), failing which, the Civil
Miscellaneous Petition shall stand automatically dismissed without any further
reference to the Court.

sd/-
08/08/2025

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/08/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Pnn

TO

The Officer Incharge,
Women Advocates Association,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CMP(MD) No. 9396 of 2025
in
SA(MD)SR.No. 52114 of 2018
Date :08/08/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023