



CMP.(MD)No.4949 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.07.2025

CORAM

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

CMP.(MD)No.4949 of 2025
and
A.S.(MD).SR.No.95491 of 2024

1.R.Vijayalakshmi

2.R.Arun

3.R.Iswarya

.. Petitioners

Vs.

P.Kunnudayan (Died)

1.K.Lakshman

2.K.Jayapaul

3.R.Leena

4.Y.Saraswathi

5.K.Pradeep

6.B.Adilakshmi

7.The Branch Manager,
Bank of India,
Nangawaram Branch,
East Street,
Nangawaram, Kulithalai Taluk, Karur District.

.. Respondents



CMP.(MD)No.4949 of 2025

Prayer : Transfer Civil Miscellaneous Petition is filed under 5 of the Limitation Act, to condone the delay of 577 days in filing the present appeal suit as against the judgment and decree in O.S.No.188 of 2018 on the file of the Principal District Court, Tiruchirapalli dated 20.02.2023.

For Petitioners : M/s.B.Saravanan Associates
D.Kirubakaran

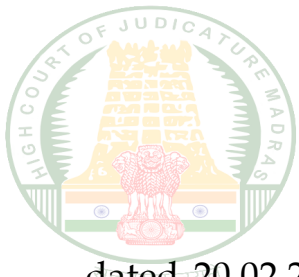
For Respondents : Mr.L.R. Karthick Babu
for R1 to R6
: Mr.K.Hemantha Kumar for R7

ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 577 days in filing the present Appeal suit as against the judgment and decree in O.S.No.188 of 2018 on the file of the Principal District Court, Tiruchirapalli date 20.02.2018.

2.The defendant Nos.2 to 4 in O.S.No.188 of 2018, on the file of the Principal District Court, Tiruchirapalli have filed this appeal suit with delay of 577 days.

3.The respondent Nos.1 to 7 have filed the suit for recovery of the amount against the appellant herein and the same was decreed by the impugned judgment



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dated 20.02.2023. The petitioner herein has applied for the certified copy and the
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said copy was made ready only on 21.11.2023. Due to petitioner's health condition,
he has not preferred the appeal suit within the time limit. In paragraph No.8 of the
affidavit, he has clearly stated about his health issues and also his inability to
generate the fund, which reads as follows:

8.I further respectfully submit that immediately, after the suit
was decreed by the impugned judgment and decree in O.S.No.188 of
2018 on the file of the principal District Court, Tiruchirapalli dated
20.02.2023, I applied for a copy of the impugned judgment and
decree in copy application No.2330/2023 on 22.02.2023. Thereafter,
unfortunately I suffered from jaundice and I had to undergo
treatment through traditional medicines which hampered me from
following up with the aforesaid suit proceedings. Subsequently, after
I recovered from my ailments, due to some unavoidable family
commitments, there is a considerable delay in preferring the present
appeal which is neither willful nor wanton. Thereafter, I approached
my counsel and explained the above and once again, I applied for a
copy of the impugned judgment and decree on 04.11.2024 and the
same was delivered on 26.11.2024

4.The said allegation was not specifically disputed by the respondent in their
counter.



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5.This Court perused the counter affidavit, there was no specific denial about the same and being satisfied with the reasons stated in the affidavit, this petition is allowed. The delay of delay of 577 days in preferring an Appeal Suit against the judgment and decree passed by the learned Principal District Judge, Tiruchirapalli, in O.S.No.188 of 2018 vide judgment dated 20.02.2023 is condoned on condition to pay a sum of Rs.5,000/- to the respondent Nos.1 to 7 within a period of 15 (Fifteen day) from the date of receipt of a copy of this order.

6.List this case on 25.07.2025 for reporting compliance.

sd/-
03/07/2025

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/07/2025

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

SBN

TO

THE PRINCIPAL DISTRICT JUDGE, TRICHIRAPALLI.



CMP.(MD)No.4949 of 2025

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+1 CC to M/s.B.SARAVANAN ASSOCIATES, Advocate (SR-7127[I] dated
04/07/2025)

ORDER
IN
CMP.(MD)No.4949 of 2025
and
A.S.(MD).SR.No.95491 of 2024
Date :03/07/2025

PR/09.07 .2025 5P/3C

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