



C.M.P.(MD)No.14136 of 2025
in A.S.(MD)SR.No.29780 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**C.M.P.(MD)No.14136 of 2025
in A.S.(MD)SR.No.29780 of 2025**

Ramsait

... Petitioner

-VS-

Ramanathan

... Respondent

PRAYER: Petition filed under Order Section 5 of Limitation Act praying to condone the delay of 401 days in filing the appeal against the judgment and decree in O.S.No.40 of 2018 on the file of the Principal District Sessions Judge, Pudukkottai, dated 09.11.2023.

For Petitioner : Mr.RMS.Sethuraman

For Respondent : Mr.R.Paranjothi
for M/s.KBS Law Office



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ORDER

(Order of the Court was made by C.V.Karthikeyan, J.)

This application has been filed to condone the delay of 401 days in filing the appeal against the judgment and decree in O.S.No.40 of 2018 on the file of the Principal District Sessions Judge, Pudukkottai, dated 09.11.2023.

2. The defendant is the appellant herein. In the affidavit, stating the reasons for the delay, it had been stated that the appellant was suffering from illhealth and did not have necessary funds to prefer the appeal against the judgment and decree.

3. We had directed notice to the respondent/plaintiff. Notice had been served and learned counsel has also entered appearance.



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4. Taking note of all the factor into consideration, since the first appeal is an extension of trial, where the evidence has to be again re-examined or re-visited, we would condone the delay.

5. Accordingly, the delay is condoned and the petition is allowed. Registry may number the consequential application and the appeal and list them before this Court.

vsm

[C.V.K., J.] [R.V., J.]

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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

vsm

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