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CMP(MD)No.17197 of 2023
in WA(MD) SR.No.87409 of 2023

DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Mr.P.Gunasekaran, learned standing counsel, who accepts notice for R4 and Mr.M.Sarangan, learned Additional Government Pleader, who accepts notice for R2, R3, R5 & R6 have no objection to the condonation of delay of 200 days in filing the Writ Appeal.

2. However, Mr.N.Dilip Kumar, learned counsel appearing for R1 objects to the delay and has also filed a counter.

3. On perusal of paragraphs 4 and 5 of the affidavit for condonation of delay, which are extracted below, it would be appropriate to condone the delay and hear the parties on merits.

“4. I humbly submit that I am now aged 68 years, I am not blessed with any child and also there are no siblings or anyone to take care of me in my old age. I have affected common old age ailments and health issues. I am deserted women for more than 40 years. Hence I find it so difficult to run my day to day life even depending others for my daily needs. I am the only legal heirs of the said Narayanan. My mother name is Vedavalli she is also deceased in the year of 2001. My father all along with live till the demise of



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his lifetime. The deceased Narayanan during his lifetime his health and other basic necessities was fulfilled by me as a daughter.

5. I humbly state that the respondent/1st respondent already filed a onetime settlement agreement was arrived for a sum of Rs. 1,20,000/- as a full settlement in the year of 09.03.2010 and she also admitted before the District Munisif court, Srivaikundam. That if in future she will not claim any rights or land or whatsoever in my father's lifetime in E.P.No.43/2001 in O.S.No.597 of 1989. That was recorded by the Court of law. Now she is taking a different stand and also violated the said order. It is further that the delay was happened on contacting the counsel and not able to reach Madurai as prescribed date by the counsel. And my health condition is also fully affected. Now the respondent try to get the pensionary benefits and other benefits as illegal manner and it is just and necessary to stay the operation of the Single Judge Order or else the petitioner may be put to irreparable loss.”

4. In light of the aforesaid, the delay of 200 days in filing the Writ Appeal is condoned and this Miscellaneous Petition is ordered.

5. Registry is directed to number the Writ Appeal, if it is otherwise in order and list the same for admission.

6. The names of the learned counsel who have entered appearance now will continue in the cause list as and when the matter is listed.

sm

[A.S.M.J.,] & [C.K.J.,]
16.10.2025

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