



WEB COPY

CMP No. 9173 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 9173 of 2025

in

AS SR No.8119 of 2025

Rajalakshmi

..Appellant(s)

Vs

P.Latchathipathi (Died)

1. Saraswathi

2. Chandrasekaran

3. Jagadeeshwari

4. Parvathiyammal

..Respondent(s)

To condone the delay of 2036 days in filing the appeal in AS SR No.8119/2025 against the judgment and decree dated 28.03.2019 passed in OS No.66/2015 on the file of the Additional District Judge, Tiruvannamalai.

For Appellant(s): Mr.S.Indrajith

For Respondent(s): Mr.B.Jawahar

ORDER

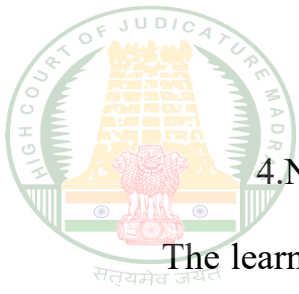
(Order of the Court was made by C.V.Karthikeyan J.)

This petition has been filed to condone the delay of 2036 days in filing the appeal against the judgment and decree dated 28.03.2019, passed in OS No.66 of 2015, on the file of the Additional District Judge, Tiruvannamalai.



2.The said suit in OS No.66 of 2015 had been filed seeking specific performance and agreement of sale dated 21.10.2014 with respect to the suit schedule properties for a total sale consideration of Rs.30,00,000/-.

3.It is contended that the respondents have paid an advance of Rs.25,00,000/-. Balance of Rs.5,00,000/- should be paid within a period of sixteen months from the date of the agreement. On receipt of balance sale consideration, the petitioner herein should execute the sale deed. Since there was failure to perform the agreement, the suit had been instituted for specific performance. By judgment dated 28.03.2019, the suit had been decreed. Thereafter, the decree holder/plaintiff had filed EP No.53 of 2020, on the file of the Principal District Court, Tiruvannamalai, to put the decree in execution. The petitioner herein entered appearance. The draft sale deed was directed to be prepared and thereafter sale deed was also executed in the name of the plaintiff in the suit and was registered on 21.09.2022. On registration of the sale deed, EP No.53 of 2020 was terminated on 28.09.2022. The plaintiff died on 08.05.2023. The respondent herein thereafter stepped into the shoes of the plaintiff and filed EP No.76 of 2024 for delivery of possession. Delivery was also granted by an order dated 30.01.2026. It is to be noted that the petitioner had also contested the proceedings. At that stage, this petition had been filed to condone of 2036 days in filing the appeal.



4. Notice had been directed and respondents have entered appearance.

The learned counsel for the petitioner contended that there was pandemic in the initial two years and thereafter counsel had not properly taken up the case. But however on the side of the respondents, it is contended that both EP Nos.53 of 2020 and 76 of 2024 were contested and only thereafter orders have been passed by the Execution Court. It is stated that the delay is deliberate and now the order for delivery had been passed on 30.01.2026.

5. We have considered the arguments advanced.

6. The reasons given for the delay are in respect of the pandemic period which was in the year 2022. Thereafter, it had been contended that the counsel did not inform the petitioner about the decree. But however, both EP Nos.53 of 2020 and 76 of 2024 were contested by the petitioner. Therefore, they cannot disclaim knowledge of the decree. The petitioner has therefore not shown any diligence. The delay is nearly about six years. Even if we are to give concession for pandemic, the delay is still four years and the petitioner cannot disclaim ignorance of the decree in favour of the respondent. We are not inclined to condone the delay. The petition stands dismissed.

(C.V.K.,J.) (K.R.S.,J.)
27-04-2026

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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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To
The Additional District Judge,
Tiruvannamalai.

**CMP No. 9173 of 2025
in
AS SR No.8119 of 2025**

27-04-2026