



WEB COPY

CMP No. 12432 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 12432 of 2025 SA SR No.26350 of 2025

M.Gunasekaran
S/o. Marimuthu Panchaithaliyur,
Nanchithalaiyur Post, Dharapuram
Taluk, Tiruppur District.

Appellant(s)

Vs

S.Nallasamy
S/o. Late.Samiyappan D.No. 7/40, Old
No. 7/39 Panchaithaliyur,
Nanchithalaiyur Post, Dharapuram
Taluk, Tiruppur District.

Respondent(s)

PRAYER : Civil Miscellaneous Petition filed under Order 41 Rule 3A of Code of Civil Procedure to condone the delay of 802 days in filing the Appeal against the Judgment and Decree of the Court of the Subordinate Judge, Dharapuram dated 29-08-2022 passed in A.S.No. 1 of 2022 confirming the Judgment and Decree of the court of the District Munsif, Dharapuram, dated 31-08-2021 passed in O.S. No. 324 of 2015.

For Appellant(s): Mr.S.Baskaran

For Respondent(s): Mr.S.P.Navaneethakrishnan



ORDER

WEB COPY This petition has been filed to condone the delay of 802 days in filing the present Second appeal.

2. The learned counsel appearing for the petitioner would submit that due to lack of communication, the appeal could not be filed in time and hence, this petition has been filed to condone the delay in filing the Second Appeal.

3. The learned counsel appearing for the respondent vehemently opposed this petition stating that each and every day delay has not been explained and there is no sufficient cause stated in the petition to condone such a huge delay.

4. Considering the nature of averments in the affidavit filed along with this petition and taking note of the period of delay, in order to give an opportunity to the petitioner and to avoid further litigation, this Court is inclined to allow this petition on payment of costs.

5. Accordingly, this petition is Ordered and the delay is condoned on condition that the petitioner pay a sum of Rs.3000/- [Rupees three thousand only] to the learned counsel for the respondent within a period of one week. On



such payment, the registry is directed to number the Second Appeal, if it is, otherwise in order and post before this Court on 25.02.2026.

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Internet: Yes

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T.V.THAMILSELVI J.

VRC

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