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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP No. 11511 of 2025 in AS SR No.15389 of 2025

1. G.Jaisankar

S/o. Late Govinda Naidu, Res. at No. 48,
D.No. A4, Sarala Apartments, Dr. Giriappa
Road, T.NAgar, Chennai-17.

2. Rekha

D/o. Late Govinda Naidu, W/o. Suresh
Kumar, Res. at No. 48, D.No. A4, Sarala
Apartments, Dr. Giriappa Road, T.NAgar,
Chennai-17.

Appellant(s)

Vs

1. G.Sivakumar

S/o. Late Govinda Naidu, Res. at, Plot No.
48B, D.No. 381, Sri Subramania Nagar,
Part I, Morai, Chennai-55.

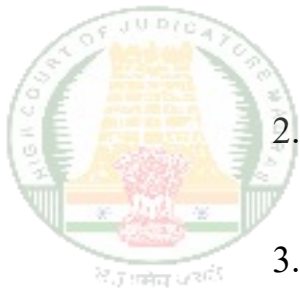
Respondent(s)

For Appellant(s): Adinarayana Rao

For Respondent(s): S.S.Swaminathan

ORDER

Heard the learned counsel for the parties.



2. The petition is filed to condone the delay of 519 days in filing the appeal.

3. Learned counsel for the petitioners states that the petitioners came to know only in July 2024 when proceedings were initiated pursuant to the ex parte final decree to evict the petitioners/appellants and immediately an application has been filed. It is also the contention of the learned counsel for the petitioners that the final decree was passed ex parte without proper notice to the petitioners/appellants.

4. Learned counsel for the respondent would however, state that the delay has not been satisfactorily explained and the reasons assigned are also not meriting any consideration.

5. Considering that the suit is for partition and final decree allotting specific portions of the property to the parties has been passed ex parte and the same is under challenge in the present first appeal and even according to the learned counsel for the parties that no further steps pursuant to the ex parte final decree application has been taken to take possession from the petitioner, I am inclined to condone the delay to afford an opportunity to the petitioner to challenge the final decree passed in the partition suit. However, the prejudice caused to the respondent/decree holder has to be sufficiently compensated.

6. In the light of the above and also considering the reasons assigned in the



affidavit filed in support of the petition, the petition is ordered on payment of cost of Rs.10,000/-(Rupees Ten Thousand Only) to the respondent through counsel Mr.S.S.Swaminathan.

7. In fact, the cost of Rs.10,000/-(Rupees Ten Thousand Only) is paid today (through G-pay) and hence, the CMP is allowed. The Registry shall number the appeal, if it is otherwise in order and post the same for admission before the Joint Registrar (Appellate Side) on 21.01.2026 and miscellaneous petition, if any, for interim orders, shall be listed on 27.01.2026.

19.01.2026

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P.B.BALAJI,J

sr

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19.01.2026