



WEB COPY

CMP No. 8817 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 8817 of 2026 in
SA.SR.No.29182 of 2026**

Y.J.Shabbir
Carrying business at
No.145, Prakasam Salai,
Broadway,
Chennai - 108.

..Appellant(s)

Vs

Sree Thiruvoteeswarar Free High School Trust
Rep by its Trustees T.R.K. Saravanan,
Having Office at No.1,
EVK Sampath Salai,
Vepery, Chennai - 007.

..Respondent(s)

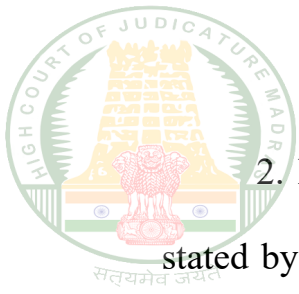
Prayer in CMP.No.8817 of 2026: To condone the delay of 375 days in filing the present second appeal.

Prayer in S.A.Sr.No,29182 of 2026: Second appeal is filed under Section 100 of Code of Civil Procedure, 1908, praying to set aside the judgment and decree dated 25.10.2024 passed by the XVIII Additional Judge, City Civil Court in A.S.No.43 of 2024 confirming the judgment and decree dated 23.02.2023 in O.S.No.3746 of 2015.

For Appellant(s):	Mr.A.Karthikeyan
For Respondent(s):	M/s.G.Sugumaran

ORDER

This petition has been filed seeking to condone the delay of 375 days in filing the second appeal.



2. In the affidavit filed in support of this condone delay petition, it was stated by the petitioner that during November 2024, there was income tax raid on the petitioner's company. Hence, he could not concentrate on filing appeal against the judgment and decree passed by the first appellate court immediately. It is also stated that in February 2025, the petitioner's son got married and thereafter, there was a death in the family. Hence, there is a delay of 375 days.

3. The respondent filed a counter affidavit and submitted that the reasons assigned by the petitioner are not acceptable and the same will not constitute sufficient cause within the meaning of Section 5 of Limitation Act.

4. Having regard to the length of delay and also the reasons assigned by the petitioner in the affidavit filed in support of this condone delay petition, this Court is inclined to take a liberal view of the matter and condone the delay of 375 days on condition that the petitioner pays a sum of **Rs.1000/-(rupees thousand only)** as cost to the respondent within a period of one week from today. Failing which, the civil miscellaneous petition shall stand **automatically dismissed**. In case of compliance of the condition, registry is directed to number the second appeal, if it is otherwise in order and list the same for admission.

11-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The XVIII Additional Judge, City Civil Court, Chennai.
2. The III Assistant Judge, City Civil Court, Chennai.



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S.SOUNTHAR, J.

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