



WEB COPY

CMP No. 6557 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 6557 of 2022 in
SA.SR.No.29886 of 2022**

1. Sivakumar
2. Manivasagam

.Petitioner(s)

Vs

Kulandaivel (Died)

1. Asokan
2. Srinivasan
3. Kasambal
4. Jothi
5. Selvi
6. Unnamalai
Thangaraj (Died)
7. Santhi

..Respondent(s)

Prayer in CMP No. 6557 of 2022 :- The civil miscellaneous petition is filed under Section 41 Rule 3(A) of CPC, praying to condone the delay of 1030 days in filing the second appeal.

Prayer in SA.Sr.No.29886 of 2022 :- Second appeal is filed under Section 100 of Code of Civil Procedure, praying to set aside the judgment and decree dated 21.02.2019 made in A.S.No.86 of 2016 on the file of the Court of I Additional District Judge, Salem confirming the decree and judgment dated 03.02.2015 made in O.S.No.377 of 2010 on the file of the Court of II Additional Sub-Ordinate Judge of Salem.

For petitioner(s):	M/s.A.Samyuktha for M/s.D.R. Law Chambers
For Respondent(s):	M/s.S.Kaithamalai Kumaran



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ORDER

The civil miscellaneous petition has been filed seeking to condone the delay of 1030 days in filing the second appeal.

2. According to the petitioners, the first appeal was disposed of on 21.02.2019. The counsel engaged by the petitioners failed to file copy application due to inadvertence. The copy application was made only on 23.10.2020 and the same was made ready on 06.11.2020. However, the petitioners could not take any steps to file second appeal immediately due to outbreak of Covid-19. It is also stated the 1st petitioner has got L4 disc compression and hence, he could not undertake long travel. Ultimately, the second appeal was filed by the petitioner on 22.03.2022.

3. Taking into consideration the reason assigned by the petitioner that they have not filed copy application in time and also outbreak of Covid-19 Pandemic, this Court is inclined to take liberal view to condone the delay of 1030 days in filing second appeal on condition that the petitioners shall pay a sum of Rs.2,000/-(rupees two thousand only) as cost to the respondents within a period of two weeks from today. Failing which, the civil miscellaneous petition



shall stand automatically dismissed without further reference to the court. 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.

05-03-2026

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

To

1. The I Additional District Judge, Salem.
2. The II Additional Sub-Ordinate Judge, Salem.



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S.SOUNTHAR, J.

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SA.SR.No.29886 of 2022**

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