



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP No. 27114 of 2025

P.Kandasamy (Died)

Rajammal (Died)

1.Tmt.Neelambal

W/o. Muthu Gounder, Kattanchampatty,
Rasipuram, Namakkal. Now Residing at 109,
Salaivalasu, B Thuringipatty, Bommidi,
Dharmapuri Dt.

2. Tmt.Sundarambal

W/o. Natarajan,
Kattanchampatty, Rasipuram, Namakkal. Now
Res. at D.No.484/1, Settapalayam,
Kedunaickenpatty Pudur,
Kanavaipudur, SalemDt. Lalitha (Died).

3. Sulochana

W/o. Ramasamy, Kattanchampatty,
Rasipuram, Namakkal. Now Res. 6/2,
Kappankadu, O Jedarpalayam,
Rasipuram Tk., Namakkal Dt.



4. Gowri

W/o. Anbazhagan, D 27/5, DRDO Township
Phase-2, C.V.Raman Nagar, Bangalore East,
Karnataka-93.

5. M.Kandasamy

S/o. Muthumanickam, 144, Muthaya Thottam,
Guruvala Road, Ariyagoundampetti,
Rasipuram, Namakkal Dt.

..Appellant(s)

Vs

1. The Special Tahsildar (LA)

Salem-Karu Broad Gauge, Railway Line
Project, Unit-I, Namakkal.

2. The Deputy Chief Engineer,

(Construction), Salem-Karur Broad Gauge
Railway Line Project, Southern Railway,
Salem-5

..Respondent(s)

Petition filed under Order XLI Rule 3A of CPC to condone the
delay of 1330 days in filing the appeal

For Appellant(s):

Mr. P.Jegadeesan

For Respondent(s):

Mr.M.Murali

Government Advocate for R1

**ORDER****(Order of the Court was made by N.Sathish Kumar J.)**

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This petition has been filed to condone the delay of 1330 days in filing the above appeal suit.

2. Mr.M.Murali, learned Government Advocate for first respondent is before this Court and submits that he has no serious objection for allowing this petition.

3. The learned counsel for the appellants submits that the appellants were not able to mobilize funds to file the appeal and hence, there was a delay in filing the appeal, which is not wilful or wanton. Learned counsel further submits that the delay has already been condoned in the connected appeals and prays for condoning the delay.

4. Though the delay is inordinate, considering the nature of the relief and the reasons assigned in the application, this Court is inclined to condone the delay subject to a condition that in the event of appellants succeed in the appeal and get enhancement of compensation, the appellants are not entitled to interest for the period of delay viz., 1330 days.

5. Accordingly, this petition is allowed and the delay of 1330 days in filing the appeal is condoned.



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N.SATHISH KUMAR, J.

AND

R.SAKTHIVEL, J.

gpa

Registry is directed to number the appeal, if it is otherwise in order.

(N.S.K.,J.) (R.S.V.,J.)
30-01-2026

gpa

CMP No. 27114 of 2025
in A.S.SR.No.45179 of 2023