



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CMP No. 8110 of 2026 in

SA Sr No.118518 of 2025

Anandhi, D/o. Nataraja Gounder alias
Pandhacharam, Thali Village,
Udumalpet Taluk, Tiruppur District.

..Appellant(s)

Vs

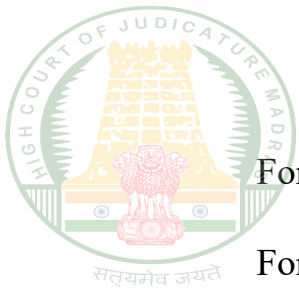
1. Mariammal alias Maya Devi,
W/o. Rangasamy,
No.20, Anna Kudiyruppu,
Udumalpet Taluk, Tiruppur District.

Thirumoorthy (Died)

2. Kathirvel Murugan,
S/o. Thirumoorthy,
Thali Village, Udumalpet Taluk,
Tiruppur District.
3. Thenmozhi, D/o. Thirumoorthy,
D.No.9A, Kandasamy Gounder Street,
Thali Village, Udumalpet Taluk,
Tiruppur District.

..Respondent(s)

Prayer: This civil miscellaneous petition is filed to condone the delay of 198 days in filing the Second Appeal in S.R.No.118518/2025.



For Petitioner: Mr.P.Tamilavel

For Respondents : Mr.D.R.Arunkumar for R2

No appearance for R1 and R3.

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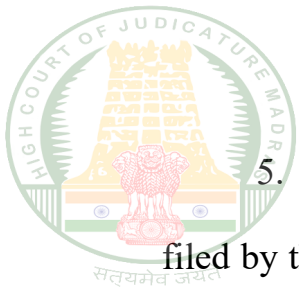
ORDER

This petition has been filed seeking to condone the delay of 198 days in filing the second appeal.

2. The learned counsel for the petitioner would submit that the second appeal was filed on 28.07.2025, however, without certified copies of the Judgment and decree passed by the courts below. Later, certified copies were filed on 09.02.2026. In view of the delay in filing the certified copies, the Registry calculated the delay up to the date of filing of the certified copies. It is also submitted by the learned counsel for the petitioner that due to oversight, the junior counsel for the appellant failed to file the certified copies of the judgment and decree of the courts below along with the memorandum of grounds and vakalath at the time of original filing on 28.07.2025 and hence, the delay may be condoned.

3. This petition was opposed by the 2nd respondent by filing counter.

4. The learned counsel for the 2nd respondent would submit that mere oversight by counsel, cannot be a reason to condone the delay in filing the second appeal.



5. A perusal of the records would indicate that the second appeal was filed by the petitioner/appellant in time on 28.07.2025. Since it was a defective filing, without certified copies, the Registry insisted the petitioner to file a petition for condone the delay, by calculating the delay up to the date , on which date, certified copies of the judgment and decree of the courts below were filed. In the affidavit filed in support of the condone delay petition, it was asserted by the petitioner that certified copies were mistakenly not filed along with the second appeal papers by oversight by the junior counsel. Due to the fault of the counsel, the litigant shall not suffer. Therefore, this court is inclined to take liberal view of the matter and to condone the delay in filing the second appeal.

6. Accordingly, this petition is ordered.

7. Registry is directed to number the second appeal, if it is otherwise in order and list the same for admission.

04-06-2026

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S.SOUNTHAR, J.

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**CMP No. 8110 of 2026 in
SA Sr No.118518 of 2025**

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