



WEB COPY

CMP No. 17275 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 17275 of 2025 in
SA.SR.No.54890 of 2025**

S.Amudha

..Appellant(s)

Vs

Chinna Paiya Nattar (died)
Jagadhambal (died)

1. P.C.Sampath
S/o Late Chinnapaiya Nattar,
Res at No.29B, Ammanainar Kovil Street,
Panapakkam Village, Arakkonam Taluk,
Vellore District
2. Malliga
D/o Late Chinnapaiya Nattar,
Res at No.29B, Ammanainar Kovil Street,
Panapakkam Village, Arakkonam Taluk,
Vellore District
3. P.C.Ramajayam
S/o Late Chinnapaiya Nattar,
Res at No.29B, Ammanainar Kovil Street,
Panapakkam Village, Arakkonam Taluk,
Vellore District
4. P.C.Yuvaraj
S/o Late Chinnapaiya Nattar,
Res at No.29B, Ammanainar Kovil Street,
Panapakkam Village, Arakkonam Taluk,
Vellore District

..Respondent(s)

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Prayer in CMP No. 17275 of 2025: The civil miscellaneous petition is filed under Section 5 of Limitation Act, praying to condone the delay of 461 days in preferring the second appeal.

Prayer in SA.Sr.No.54890 of 2025: Second appeal is filed under Section 100 of Code of Civil Procedure, 1908, praying to set aside the judgment and Decree dated 25.09.2023 made in A.S.No.6 of 2022 on the file of Sub-Ordinate Judge, Arakkonam confirming the Judgment and Decree dated 12.11.2021 made in O.S.No.215 of 2009 on the file of District Munsif Judge, Arakkonam.

For Appellant(s):

Mr.Frangkelin S

for M/s.Sarvabhauman Associates

For Respondent(s):

M/s.K.V.Ananthakrishnan

ORDER

This petition has been filed to condone the delay of 461 days in filing the above second appeal.

2. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that due to his ill health, he could not meet his lower court counsel and get the certified copy. It was also stated that lower court counsel misplaced the papers and hence, there was a delay of 461 days.

3. M/s.K.V.Ananthakrishnan, learned counsel for the respondent by relying counter affidavit submitted that petitioner has not given any plausible explanation to condone the delay of 461 days and hence, opposed the petition.



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4. It is seen from the papers that first appellate court judgment was delivered on 25.09.2023 and the counsel applied for certified copy on 27.09.2023. The certified copies were made ready on 11.12.2023. The second appeal was filed on 03.04.2025 with the delay of 461 days. In the affidavit, it was stated that due to ill health, the petitioner could not meet his lower court counsel and get the certified copy on date. It was also stated that his counsel misplaced the papers. Hence, there was a delay of 461 days in preferring the second appeal.

5. Having regard to the length of delay and also the averment made by the petitioner in the affidavit filed in support of the condone delay petition, this Court is inclined to take a liberal view of the matter and condone the delay of 461 days in preferring the second appeal. Accordingly, the petition is allowed.

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

08-06-2026

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



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S.SOUNTHAR, J.

nr

**CMP No. 17275 of 2025 in
SA.SR.No.54890 of 2025**

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