



WEB COPY

CMP No. 12980 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 12980 of 2026 in
SA.SR.No.69488 of 2026**

Ponnusamy

..Appellant(s)

Vs

M.Selvi Ayyammal

..Respondent(s)

Prayer in CMP No. 12980 of 2026 :- The civil miscellaneous petition is filed under Order 41 Rule 3(A) of CPC, praying to condone the delay of 1290 days in filing the above appeal.

Prayer in SA.Sr.No.69488 of 2026 :- Second appeal is filed under Section 100 of Code of Civil Procedure, praying to set aside the judgment and decree dated 30.06.2022 passed by the Sub-Ordinate Court, Cheyyar in A.S.No.40 of 2016 confirming the judgment and decree dated 03.10.2016 passed by the Additional District Munsif Court, Cheyyar in O.S.No.125 of 2009.

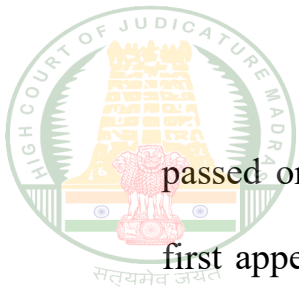
For Appellant(s):

Mr.H.Adaikala Arockiaraj

ORDER

The petition has been filed seeking to condone the delay of 1290 days in filing the second appeal.

2. The respondent herein filed a suit for bare injunction against the petitioner in O.S.No.125 of 2009 on the file of Additional District Munsif Court, Cheyyar. The trial court granted a decree for injunction and the same was

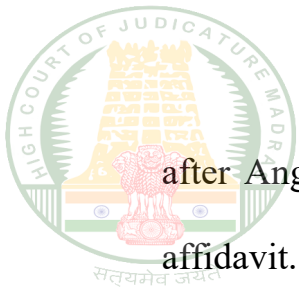


passed on 03.10.2016. Aggrieved by the same, the petitioner herein preferred first appeal in A.S.No.40 of 2016 on the file of Sub-Ordinate Court, Cheyyar.

The said first appeal was dismissed by the first appellate court on 30.06.2022. It is seen from the certified copies that petitioner applied for certified copies on 06.04.2023 and the same was made ready on 13.04.2023. However, the second appeal has been filed only on 17.04.2026 with the delay of 1290 days.

3. The petitioner herein attempted to explain the delay by saying continuously he was having chest pain and he was undergoing treatment for the same. It was also averred by him that he was admitted in Stanley Hospital for chest pain in the year 2023 and underwent Angiogram and he was advised to take total bed rest. The medical documents have also been filed in the additional typed set of papers dated 22.06.2026.

4. A perusal of the medical documents filed by the petitioner would indicate that the petitioner was admitted to Stanley Hospital on 25.04.2023 and discharged on 29.04.2023. He underwent Angiogram procedure on 28.04.2023. A perusal of the Angiogram report would indicate that the petitioner had mild Coronary Artery disease (CAD). He was advised to undergo Osteopathic Manipulative Treatment (OMT). Therefore, there is no serious health issues for the petitioner and he was discharged from the hospital on 29.04.2023. It is also seen that just prior to filing of the second appeal, on 27.02.2026, the petitioner underwent CT scan of thoracic cavity. The finding was there was no significant abnormality detected in the test. It is to be noted when petitioner was discharged



after Angiogram test, he was not advised to follow bed rest as averred in the affidavit. Since there was no serious cardiac illness, the petitioner was advised to undergo Osteopathic Manipulative Treatment (OMT). The same is a non-invasive procedure and the averment in the affidavit as if the petitioner was advised to take complete bed rest is not supported by any medical documents. The petitioner has not produced any medical documents to explain the delay from April 2023 to April 2026. He produced diagnostic slips issued by the doctor dated 07.12.2024. It appears that he was treated as an outpatient. There is no medical records available on record to suggest that the petitioner was treated as inpatient continuously for more than three years and he was advised to take bed rest. In such circumstances, the medical documents filed by the petitioner to explain the delay of 1290 days are not at all sufficient. Merely because the petitioner visited doctor now and then, he cannot claim any concession from the rigours of law of limitation. Since the petitioner failed to show sufficient cause to condone the inordinate delay of 1290 days, the civil miscellaneous petition stands dismissed. The second appeal is rejected in SR stage. No costs.

22-06-2026

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



CMP No. 12980 of 2



To
WEB COPY

1. The Sub-Ordinate Court, Cheyyar.
2. The Additional District Munsif Court, Cheyyar.



WEB COPY

CMP No. 12980 of 2



S.SOUNTHAR, J.

nr

**CMP No. 12980 of 2026 in
SA.SR.No.69488 of 2026**

22-06-2026