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C.M.P.No.13837 of 2025

C.M.P.No.13837 of 2025
in C.M.A.SR.No.77251 of 2025

A.D.JAGADISH CHANDIRA, J.

This petition has been filed seeking to condone the delay of 2,756 days in filing the Civil Miscellaneous Appeal against the fair and decretal order dated 02.11.2017 made in I.A.No.79 of 2017 in O.S.No.4 of 2017 on the file of the III Additional District and Sessions Court, Gobichettipalayam.

2. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:

2.1. The petitioner/appellant purchased the self acquired property of one N.K.Gopal/R2, who is the father of R1, on 04.08.2017.

2.2. In January 2017, the first respondent filed a suit for partition in O.S.No.04 of 2017 before the III Additional District and Sessions Court, Gobichettipalayam, Erode, against his father/R2 (predecessor in title), his sister/R3 and step mother/R4.

2.3. Further, the first respondent filed an application in I.A.No.79 of 2017 in O.S.No.04 of 2017 seeking temporary injunction.



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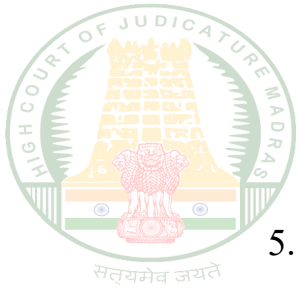
Despite the sale deed executed on 04.08.2017, the first respondent obtained an order of interim injunction on 02.11.2017 without serving notice to the petitioner/appellant herein.

2.4. The petitioner/appellant came to know about the said order only at a later stage. Subsequently, she was impleaded in the suit proceedings and she is contesting the same.

2.5. Therefore, the delay in filing the present appeal occurred only because the petitioner/appellant was not a party to O.S.No.4 of 2017 at the time the order in I.A.No.79 of 2017 was passed. Hence, the delay in filing may be condoned.

3. Mr.S.Arun Prasath and Mr.S.Satchithanantham, learned counsel, entered appearance on behalf of respondents 1 and 2 respectively and expressed their objection for condoning the delay.

4. Taking into consideration the fact that the petitioner/appellant purchased the subject property from the father of the first respondent on 04.08.2017 and was impleaded in the suit proceedings only at a later stage, this Court is inclined to condone the delay of 2,756 days in filing the appeal



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5. Accordingly, since the reasons adduced in the affidavit filed in support of this petition are satisfactory, this Civil Miscellaneous Petition is ordered and consequently, the delay of 2,756 days in filing the appeal is condoned.

6. Registry is directed to number the Civil Miscellaneous Appeal, if it is, otherwise, in order and list the same for admission on **16.06.2026**.

12.06.2026

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12.06.2026