



WEB COPY

CMP No. 17279 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMP No. 17279 of 2025

AND

AS SR NO. 80719 OF 2025

N. Vijayakumar

..Appellant(s)

Vs

C. Ashok

..Respondent(s)

CMP No. 17279 of 2025

Civil Miscellaneous Petition filed under Section 41 Rule 3(A) of Code of Civil Procedure to condone the delay of 294 days in filing AS.SR.No.80719/2025 filed against the Judgment and Decree dated 12.04.2024 in O.S.No.108 of 2021 on the file of the III Additional District Judge, Tiruvallur at Poonamallee.

CMP No. 17279 of 2025

For Appellant(s): Mr.M.Marudhachalam

For Respondent(s): Mr.D.Lakshmipathy



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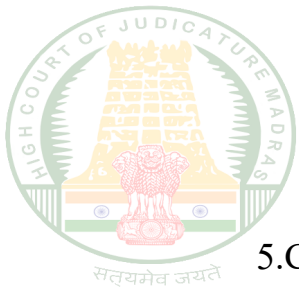
ORDER**(Order of the Court was made by N.Sathish Kumar J.)**

This petition has been filed to condone the delay of 294 days in filing the above Appeal.

2.The petitioners/defendants, in the affidavit filed in support of the petition, have stated that they could not engage a counsel to properly represent before the trial Court and only now, they are able to meet their counsel, and therefore, there is a delay.

3.Though the reason assigned by the petitioners for the delay is not satisfactory, now, it is submitted by the learned counsel for the petitioners that, to show their *bona fides*, the petitioners are ready to deposit the entire suit amount in two installments within a period of two months before the trial Court to the credit of the suit.

4.Mr.D.Lakshmipathy, learned counsel, appearing for the respondent, has no serious objection for allowing this petition.



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5.Considering the aspect that the petitioners/defendants were not properly represented before the trial Court and they have not let in any evidence on their side and a decree has been passed, we are inclined to condone the delay. Accordingly, the delay is condoned and this petition is ordered.

6.Registry is directed to number the Appeal, forthwith, if the papers are otherwise in order.

(N.S.K.,J.) (M.J.R.,J.)
01-07-2026

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

MKN

To

The III Additional District Judge,
Thiruvallur at Poonamallee.



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**N.SATHISH KUMAR J.
AND
M.JOTHIRAMAN J.**

MKN

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AND
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