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CMP.No.15819 of 2024

in

AS.SR.No.88979 of 2024

P.B.BALAJI, J.

This petition has been filed to condone the delay of 109 days in filing the appeal as against the decree and judgment dated 21.12.2023 passed in O.S.No.8 of 2021.

2.Heard the learned counsel for the petitioner.

3.Despite several attempts, service of notice on the respondent could not be completed. Hence, this Court permitted the petitioner to effect substituted service by way of paper publication in a Tamil daily having circulation in Ariyalur District, fixing the date of hearing as 11.02.2026.

4.Pursuant to the said order, the petitioner has effected paper publication in “Makkal Kural”, Madurai Edition. Even after such substituted service, the respondent has not chosen to enter appearance. The present petition is filed seeking condonation of delay of 109 days in preferring the First Appeal as against the dismissal of the suit for specific performance.

5.Considering the reasons assigned by the petitioner in the affidavit filed in support of the petition, this Court is satisfied that sufficient cause has been shown for not approaching this Court within the prescribed time. The delay of 109 days has been properly explained. Accordingly, the delay is condoned and the petition is ordered as prayed for.

17.02.2026

Kv

Note: Registry is directed to number the Appeal Suit, if the papers are otherwise in order and list the same before the Joint Registrar (Appellate Side) for admission.

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