



WEB COPY

CMP.No.16374 of 2025 in
SA.SR.No.102648 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMP.No.16374 of 2025 in SA.SR.No.102648 of 2025

1. Nagappa Naicker (Died)
1.Chinnammal
No. 3/59, Meetupalayam, Nadansai
Post, Namakkal-637206.
2. Maliga
1/308, Thottipatti, Melsathambur Post,
Parmathivelur Taluk,
Namakkal-637206.
3. Thangaraj
Res. at No. 3/59, Meetupalayam,
Nadansai Post, Namakkal-637206.
4. Palaniswamy
Res. at No. 3/59, Meetupalayam,
Nadansai Post, Namakkal-637206.

Petitioner(s)

Vs

1. Muthusamy
S/o. Bommanaicker, Res. at
Mettupalayam, Nadanthathai Village,
Paramathi-Velur Taluk, Namakkal
District.
- 2.Palaniswamy
S/o. Masanaicker, Res. at
Mettupalayam, Nadanthathai Village,
Paramathi-Velur Taluk, Namakkal
District.
- 3.Palaniswamy



S/o. Chinnappa Naicker, Res. at
Mettupalayam, Nadanthathai Village,
Paramathi-Velur Taluk, Namakkal
District.

4.Rangasamy

S/o. Chinnappa Naicker, Res. at
Mettupalayam, Nadanthathai Village,
Paramathi-Velur Taluk, Namakkal
District.

Respondent(s)

PRAYER : Civil Miscellaneous Petition filed under Order 41 Rule 3[A] of Code of Civil Procedure to condone the delay of 1564 days in filling of the Second Appeal.

For Petitioner(s): Mr.P.Prakash Paul

For Respondent(s): Mr.M.K.Boopathyrajan
for Mr..K.S.Vivekanandan – R1

ORDER

This petition has been filed to condone the delay of 1564 days in filing the present Second Appeal.

2. The learned counsel appearing for the petitioners would submit that after the death of the father of the appellants as they were not aware of the disposal of the appeal, they were not able to file the appeal in time and hence, prayed that the delay may be condoned and they may be permitted to prosecute the Second Appeal.



2. The first and second respondents opposed this petition by filing counter stating that day by day delay has not been properly explained and there is no sufficient cause to condone such a huge delay.

3. Considering the submissions of the learned counsel appearing for the petitioners and in order to give a fair opportunity to the petitioners to prosecute their Second Appeal, this petition is Ordered subject to the condition that the petitioners pay a sum of Rs.6000/- [Rupees six thousand only] to the learned counsel appearing for the first and second respondents within two weeks from today.

02-02-2026

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

vrc

Note : The registry is directed to number
the Second Appeal, if it is otherwise in order.



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T.V.THAMILSELVI J.

VRC

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