



WEB COPY

CMP No. 20048 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

CMP No. 20048 of 2023

AND

SA NO. 959 OF 2001

1. Angammal (Died)
1.Thangamani,
2. 3.Balasubramanian,
3. 4.Jayanthi,

..Appellant(s)

Vs

1. 1.Murugappan @ Murugesan,
2. Nachammal,
3. .Murugappa Mudali, - Died
4. .Angammal,
5. Mayangathal,
6. .Pattakkal,
7. .Chinnamal,
8. .Pappathi,
9. Rajamani
- 10.M.Ganesan
- 11.M.Dhanasekaran,
- 12.Saroja
- 13.M.Thirugnanasambantham,



REST.2,5,8 were set exparte (before the court below hence notice not necessary in this SA)

...Respondents

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Prayer: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 31 days in filing the petition to restore the Second Appeal in SA.No.959 of 2001, Which was dismissed on 21.06.2023.

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For Appellant(s): M. Roshan Atiq

For Respondent(s): M/s. B.Kumarasamy
R.Balu For R1

Order

This application has been filed to condone the delay of 31 days in filing an application to restore the Second Appeal which had been dismissed for default on 21.06.2023. By an order dated 11.03.2024, notice had been ordered to all the respondents. Despite steps I am being taken on several occasions, only the 1st respondent has come on record through Mr.B.Kumarasamy.

2. This Second Appeal is presented against the judgment and decree of the Principal Subordinate Judge at Gobichettipalayam in A.S.No.37/1999, dated 04.08.2000. The Original Suit had been filed by the 1st respondent therein as against 11 defendants. Though the Suit had been decreed in favour of the plaintiff, only the 1st respondent herein had preferred the present Second Appeal.



3. The other respondents have not challenged the same. The reason for non appearance is on account of the fact that the counsel fell ill and was not in a position to appear before the Court on 21.06.2023. Mr.R.Balu, learned counsel representing Mr.B.Kumarasamy reports that he has no objection for the delay being condoned.

4. I have gone through the affidavit. I find sufficient cause. Sickness of the counsel is a good ground to condone the delay. Hence delay is condoned. Office is directed to number the restoration application.

16-02-2026

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V.LAKSHMINARAYANAN J.

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