



WEB COPY



C.M.P.No.25641 of 2023
in
A.S.SR.No.123725 of 2023

R.KALAIMATHI,J.,

Heard the learned counsel for the petitioner / first defendant.

2. Despite the receipt of the notice neither the respondents appeared nor chosen to appear through their counsels.

3. This Civil Miscellaneous Petition is taken out to condone the delay of 93 days in filing the present appeal.

4. The petitioner would aver that due to his ill health and he was affected by Jaundice, he was not in a position to contact his Advocate immediately. Hence, the delay of 92 days occurred and preferred the First Appeal against the judgment and decree dated 24.01.2023 passed in O.S.No.8614 of 2019 by the XVth Additional Judge, City Civil Court, Chennai.

5. The first respondent-A.Suseela, W/o.Anandan had filed a suit against the present petitioners one Renuga, W/o.Padmanaban (Defendant No.2), Vijayalakshmi, W/o.Harikrishnan (Defendant No.3) for the relief of



WEB COPY

preliminary decree for partition of 1/4th share and in consideration of the evidence and after hearing the arguments advanced on either side, the trial Court decreed the suit as prayed for granting preliminary decree for partition of 1/4th share in the suit schedule property. Against the said judgment, the petitioner is preferring the First Appeal.

6.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. **Accordingly, in the interest of justice, this Civil Miscellaneous Petition is allowed, and the delay of 93 days in filing the First Appeal is condoned.**

.....07.2026

nvi

To

The XVth Additional Judge, City Civil Court, Chennai.



WEB COPY



R.KALAIMATHI,J.,

nvi

C.M.P.No25641 of 2023 in
A.S.SR.No.123725 of 2023

.....07.2026