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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 26893 of 2026
AND
SA SR NO. 142683 OF 2026

1. Chandra
   W/o.Vadivel
   4/222, Car Street, Chinna Seeragapadi,
   Salem 636 308.

2. Madavi
   W/o.Perumal
   D.No.2/108, Pudur Sarkar Kollapatty,
   Salem 636 030

3. Indira
   W/o.Gopi
   D.No.2/30, Senganoor, MGR Nagar,
   Boominaickenpatty Post, Pagalpatty
   Salem 636 304

4. Devaki
   W/o.Dhanasekar
   2/90, Pudur, Sarkar Kollapatty
   Salem 636 030

..Appellant(s)

Vs

1. Selvam
   S/o.P.Chakravarthy
   D.No.2/69, Pudur, Sarkar Kollpatty Village,
   Salem 30

2. S.Senthil
   S/o.P.Chakravarthy
   D.No.2/69, Pudur, Sarkar Kollpatty Village,
   Salem 30

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3. Kaveriammal
   W/o.Nallathambi
   Old D.No.2/90/A, New D.No.118/A, Pudur
   Sarkar Kollapatty Village, Salem 30

4. Perumal
   S/o.Nallathambi
   Old D.No.2/90/A, New D.No.118/A, Pudur
   Sarkar Kollapatty Village, Salem 30

5. Peragounder
   S/o.Nallathambi
   Old D.No.2/90/A, New D.No.118/A, Pudur
   Sarkar Kollapatty Village, Salem 30

6. Jayaraman
   W/o.Nallathambi
   Old D.No.2/90/A, New D.No.118/A, Pudur
   Sarkar Kollapatty Village, Salem 30

   Dhanasekar (died)

7. Chinnathambi
   S/o.Nallathambi
   Old D.No.2/90/A, New D.No.118/A, Pudur
   Sarkar Kollapatty Village, Salem 30

8. M.Murugan
   S/o.Muthu
   D.No.3/150/74, Pachagounder Street,
   Thirumalaigiri village, Salem TK

9. Maheswari
   W/o.Govindaraj
   D.No.13A, Arignar Anna Street, Kitchipalayam
   Salem 15

..Respondent(s)

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PRAYER

Civil Miscellaneous Petition filed under Sec.5 of Limitation Act, praing to condone the delay of 392 days in filing the above second appeal against the Judgment and Decree dated 24.10.2024 passed in AS.No.17/2016 on the file of the I Additional Sub Judge, Salem reversing the decree and judgment dated 17.12.2015 passed in O.S.No.731/2010 by the Principal District Munsif at Salem.

For Appellant(s): Mr. R.Nalliyappan

For Respondent(s): M/S.T.S.Vijaya Raghavan
For R1 and R2

R3 to R7 – No appearance

R9 – Service awaited

Order

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 392 days in filing the above Second Appeal against the judgment and decree dated 24.10.2024 passed in A.S.No.17 of 2016, on the file of I Addl. Subordinate Judge, Salem, reversing the judgment and decree passed in O.S.No.731 of 2010 dated 17.12.2015 on the file of Principal District Munsif Court, Salem.

2. Mr.R.Nalliyappan, learned counsel for appellant submitted that though the copy application was made on 25.10.2024, the certified copies of judgment and decree was issued only on 23.04.2025. Thereafter, compromise negotiation

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were initiated between the parties, but it was failed. Subsequently, during the second week of August 2026, he gave instructions to file the Second Appeal. However, there is a delay of 392 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr.T.S.Vijaya Raghavan, learned counsel for respondents 1 and 2 appeared and raised strong objections stating that no sufficient reason stated for the delay in filing the above Second Appeal.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.3000/- payable to the learned counsel for respondents 1 and 2 within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order.

05-11-2026

RPP

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T.V.THAMILSELVI J.

RPP

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