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CMP No. 682 of 2024  
SA Sr No.137516 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-06-2026**

CORAM

**THE HON'BLE MR.JUSTICE S. SOUNTHAR**

**CMP No. 682 of 2024 in  
SA Sr No.137516 of 2022**

C. Kanchana  
W/o. V.K. Chandrasekaran,  
No. 14, Muduppiah Colony, Veerakeralam,  
Coimbatore - 641 007.

..Petitioner(s)

Vs

1. V.B. Viswanathan, S/o.V.T.Balasubramaniam,
2. B.Loganathan, S/o.V.T.Balasubramaniam,
3. L.Samyuktha, D/o.B.loganathan,
4. L.Devatha, D/o.B.Loganathan,  
R1 to R4 are residing at No.34, Oorgounder St,  
Veerakeralam, Coimbatore 641007.
5. G.Murugesan, S/o.Gurusamy,  
No.36, Subramaniapuram, Venkittapuram,  
Coimbatore 641025.

..Respondent(s)

**prayer:** This civil miscellaneous petition has been filed to the condone the delay of 1052 days in filing this Second Appeal.

For Petitioner(s):

Mr.N. Krishnakumar  
for M/s.Sarvabhauman Associates

For Respondent(s):

Mr. K.Venkateswaran for R5

Mr.M.N.Balakrishnan for R3 and R4



## **ORDER**

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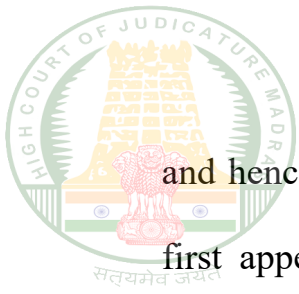
This civil miscellaneous petition has been filed seeking to condone the delay of 1052 days in filing the second appeal.

2. The learned counsel for the petitioner by taking this court to the averment contained in the affidavit and the additional affidavit dated 06.04.2026 submitted that due to the age of the petitioner and the Covid lockdown, she was prevented from filing the second appeal within the time limit.

3. The respondents 3 and 4 as well as the 5<sup>th</sup> respondent filed their separate counter in the condone delay petition.

4. The learned counsel for the respondents would submit that the averments contained in the affidavit filed in support of the condone delay petition cannot be considered as sufficient cause, within the meaning of Section 5 of the Limitation Act.

5. It is seen from the affidavit filed in support of the petition that the first appeal was disposed of on 29.07.2019 and the copy application was filed on 31.07.2019 and the copies were made ready on 23.10.2019. It is stated by the petitioner that she is aged about 70 years, suffering from age related ailments



and hence, she could not contact her counsel immediately after disposal of the first appeal. It is further stated by the petitioner that during the month of January 2020, Covid virus started spreading and therefore, the family members of the petitioner restrained her from going outside. Subsequently, lock down was announced in March 2020 and it continued with some relaxation till 28.02.2022. The petitioner also stated that she was affected with Covid twice during the lockdown period and she was confined to hospital and hence, she could not contact her counsel. After due recovery, the petitioner had taken steps to file the second appeal and the same was filed on 06.12.2022.

6. Having regard to the reasons narrated in the affidavit, dated 06.04.2026 filed along with the petition, this court is inclined to take liberal view of the matter and to condone the delay of 1053 days in filing the present appeal.

7. Accordingly, this petition is allowed, on condition, ***the petitioner pays a sum of Rs.1,000/- (Rupees one thousand) to the credit of 'Chief Justice Relief Fund', within a period of one week from today***, failing compliance, this petition shall stand automatically be dismissed.

8. In case, the above said condition is complied with, within the stipulated time, Registry is directed to number the second appeal, if it is otherwise in order, and list the same for admission.

**05-06-2026**

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CMP No. 682 of 202  
SA Sr No.137516 of 2



**S.SOUNTHAR, J.**

**MST**

**CMP No. 682 of 2024 in  
SA Sr No.137516 of 2022**

**05-06-2026**