



C.M.P.No.23493 of 2025
in
A.S.SR.No.149222 of 2025

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N.SATHISH KUMAR., J.
and
R.SAKTHIVEL., J.

(Order of the Court was made by **N.SATHISH KUMAR.J.,**)

This petition has been filed to condone the delay of 869 days in filing the appeal against the judgment and decree dated 11.01.2023 made in O.S.No.135 of 2013 on the file of Principal District Court, Kancheepura at Chengalpattu.

2. The reason assigned for the delay is that, after death of P.Mahalingam, who was the first defendant in the suit, the petitioners herein were brought on record as his legal heirs. Despite several visits and requests, the case bundle has not been handed over to the petitioners by the counsel, who had appeared on their behalf before the Trial Court. After much difficulty, the case bundle was handed over to them recently. Hence, there is a delay of 869 days in preferring the appeal.

3. The respondent has not filed any counter and has not disputed the averments made in the petition.



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**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

mrp

4. Being satisfied with the reasons stated in the affidavit filed in support of the petition, and taking note of the fact that the first appeal is a statutory appeal, in order to afford an opportunity to the parties to put forth their rights on merits, we are inclined to condone the delay.

5. Accordingly, his Civil Miscellaneous Petition is allowed and the delay is condoned.

**[N.S.K.,J.] [R.S.V.,J.]
04.02.2026**

mrp

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