Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

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

CMP No. 29562 of 2026
AND
SA SR NO. 166236 OF 2023

Karthikeyan
S/o. Govindan,
D.No.17A/41,
Bharathipuram,
Dharmapuri Town,
Dharmapuri Taluk and District.

..Appellant(s)

Vs

Vimaladevi
D/o. Periyannan,
No.31/40,
Kandasamy Vathiyar Street,
Dharmapuri Town,
Dharmapuri Taluk and District.

..Respondent(s)

PRAYER

Civil Miscellaneous Petition filed under Order IV Rule 9(4) of A.S.Rules, praying to condone the delay of 988 days in representation of the Second Appeal in SA (SR) No.166236 of 2023.

For Appellant(s): Mr.V.R.Annagandhi

Order

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 988 days in representing the above Second Appeal against the judgment and decree dated 14.08.2023 passed in A.S.No.53 of 2022, on the file of Principal

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District Judge, Dharmapuri confirming the judgment and decree passed in O.S.No.66 of 2015 dated 13.10.2022 on the file of Addl. Subordinate Court, Dharmapuri.

2. Mr.V.R.Annagandhi, learned counsel for appellant submitted that the above Second Appeal was filed and the same was returned for rectifying certain defects on 03.01.2024. He would submit that after the return, the counsel on record informed the appellant that certain documents were required to be obtained for the purpose of complying with defects and representing the Second Appeal. However, while he contacted his lower court counsel to give necessary papers, he was informed that the entire papers were misplaced with some other case papers and it was traced out and handed over the same to the counsel on record only in the last week of September 2026. Hence, there is a delay of 988 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3.Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit that due to misplace of bundle with old bundles , it could not be represented within a stipulated time and to give one more opportunity to the petitioner, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.1000/- payable to the Tamil Nadu Legal Services Authority, Chennai 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.

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T.V.THAMILSELVI J.

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