



CMP(MD). No.10425 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30/03/2026

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THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). Nos.10425 and 10426 of 2025 in  
SA(MD)Sr.Nos. 33594 and 33596 of 2018

1. C.Rajamani (Died)
- 2) Muthul,
2. Muthulakshmi
3. Rajeshwari
4. Nagalakshmi
5. Murugesan
6. Chandrasekaran

... Petitioners

Vs

1. C.Arumugam(Died),  
Innasi Ammal (Died)  
Lourdhu Mary (Died).
2. Devaraj
3. James
4. John
5. A.Kamaleswari
6. A.Andiyappan
7. T.Kaveri Ammal
8. Selvan Alias Vinayagamoorthi,,  
Represented Through Guardian/mother A.Kamaleswawri.

9. A.Chandramathi

... Respondents

PRAYER :-

1/5



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To condone the delay of 1500 days in representing S.A(MD) SR No. 33594 of 2018.

For Petitioner : M/s.R.Nanda Kumar,  
Advocate.  
For Respondent : Mr.C.Vakeeswaran,  
Government Advocate (Crl.Side)

### ORDER

These petitions have been filed to condone the delay of 1500 days in representing the above Second Appeals.

2. I have heard the learned counsel appearing on either side and perused the affidavit filed in support of these petitions.

3. The learned counsel appearing for the petitioners has taken me through the affidavits filed in support of the petitions and submitted that there has been no delay in filing the Second Appeals and that the delay occurred only on account of the papers being mixed up with other bundles in the office after they were returned for certain compliances.



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4. Per contra, the learned counsel appearing for the respondent strongly opposed the applications for condonation of delay, contending that, in the interregnum period, the petitioners have contested have contested several Second Appeals before this Coun and have also participated in the pending final decree proceedings, arising out of the very same suit. It would therefore submit that there are no bona fides in the reasons assigned in the affidavits.

5. I have carefully considered the submissions. Admittedly, the Second Appeals were filed in time. The delay is only in representing the appeals after compliance. The parties cannot be entirely blamed for such delay in representation. The reasons set out, namely that the papers were returned, the father passed away, and the cause title was amended in the meantime, due to which the papers got misplaced, appear to be bona fide.

6. In such view of the matter, I am inclined to allow these petitions, subject to the condition that the petitioners shall pay a cost of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) in each petition to the learned counsel for the respondents within a period of one



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week from the date of receipt of a copy of this order.

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7. Post for reporting compliance on 07.04.2026

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30.03.2026



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P.B. BALAJI,J

trp

ORDER  
IN  
CMP(MD) No.10425 of 2025

Date : 30/03/2026