



CMP(MD) NO. 2406 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01-06-2026

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THE HONOURABLE MR JUSTICE P.VADAMALAI

CMP(MD) NO. 2406 of 2026

IN

AS(MD) SR NO. 13487 of 2026

N.Rajan

Petitioner(s)

Vs

1.S.Anwar Nizath

2.The Tamilnadu Mercantile Bank Limited,
The Head Office Tuticorin,
Rep. by its Manager,
Mathandam Branch,
Marthandam - 629 165.

3.Pushpa Raj

Respondent(s)

For Petitioner(s):

Mr.Suresh S,
Advocate

For Respondent(s):

Mr.T.Antony Arul Raj,
Advocate for R1

R2 & R3 – No Appearance



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Prayer : Civil Miscellaneous Petition is filed under Section 5 of Limitation Act to condone the delay of 347 days in filing the present Appeal Suit against the Judgment and Decree dated 27.09.2024 in O.S.No.58 of 2016 on the file of the learned Additional District Judge, Kuzhithurai.

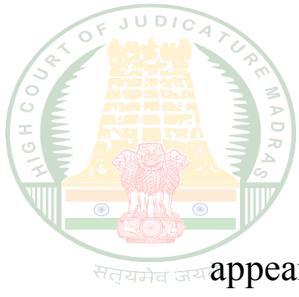
ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 347 days in filing the Appeal Suit in A.S.(MD)SR No.13487 of 2026 before this Court.

2. Heard the learned counsel appearing on either side and perused the affidavit filed in support of this petition as well as the counter affidavit filed by the 1st respondent.

3. The names of the 2nd and 3rd respondents have been printed in the cause list.

4. The learned counsel for the petitioner submitted that, since the bundle had been misplaced in the office of the learned counsel who



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appeared for the petitioner before the trial Court, the petitioner could not file the appeal within the prescribed time. He further submitted that the petitioner is ready to pay costs.

5. Considering the facts and circumstances of the case, and the duration of the delay, this Court is inclined to allow this petition subject to payment of costs. Accordingly, this Civil Miscellaneous Petition is allowed on payment of costs of **Rs.5,000/- (Rupees Five Thousand only)** by the petitioner to the 1st respondent, on or before **15.06.2026**.

6. List the matter under the caption “For Reporting Compliance” on **16.06.2026**.

01-06-2026

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P.VADAMALAI, J.

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