



CMP(MD). No.4335 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30/06/2026

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

**CMP(MD). No.4335 of 2026
in
SA(MD)SRNo.15373 of 2026**

1. Raja

2. K.Charumathi

... Petitioner(s)

- Vs. -

1.J.P.Thomas

2. S.Kannan

(R2 remained exparte in the Courts below

Hence, notice may be dispensed with.)

... Respondent(s)

Prayer: To condone the delay of 1089 days in filing the S.A(MD).SR.No. 15373 of 2026 and thus render justice.

For Petitioner : Mr.PT.S.Narendravasan

For R1 : Mr.T.Alben Jicho

For R2 : Dispensed with



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ORDER

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This Petition is filed to condone the delay of 1089 days in filing the S.A(MD).SR.No.15373 of 2026

2.The learned counsel for the petitioner would submit that due to lack of communication from the advocate as well as the misplacement made by the advocate clerk, he is not able to file an appeal in time. Hence, the delay has been occurred. However, the fact remains that the first petitioner is aged about 70 years and he approached this Court for the relief of partition long back in the suit in O.S.No.105 of 2017 and he is still having valid defence to prefer the appeals, but due to lack of communication from the earlier counsel, the appeal was not able to file in time.

3.The learned counsel appearing for the respondent raised strong objections in order to protect the proceedings. However, considering the fact that the first petitioner is more than 70 years old and the suit is of the year 2017, this Court is inclined to give one more opportunity to establish his defense.



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4. In view thereof, this Court gives one more opportunity to the petitioner. Accordingly this Court is inclined to allow the said application on payment of cost of Rs.3,000/-. Accordingly, this Petition is allowed on payment of cost of Rs.3,000/- (Rupees Three Thousand only) to the learned counsel for the respondent within a period of two weeks from today. On such payment being made, the appeal is ordered to be taken on file **on 16.07.2026.**

30.06.2026

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T.V.THAMILSELVI,J.

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