

CMP(MD). No.5698 of 2025

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.5698 of 2025

in

SA(MD)SRNo.90229 of 2024

T.Mallika

... Petitioner(s)

- Vs. -

Kumarraja

... Respondent(s)

Prayer: To Condone the delay 594 days in filing the Second Appeal before this Honourable Court against the decree and judgment dated 03.09.2022 made in AS No.54/2019 on the file of learned Additional District and Sessions Judge, Thanjavur reversing the judgment and decree dated 16.09.2017 made in OS No.207/2012 on the file of Learned Additional Sub Judge, Thanjavur and thus render justice.

For Petitioner : Mr.B.Gowtham Arun

For Respondent : Mr.G.Gomathi Sankar



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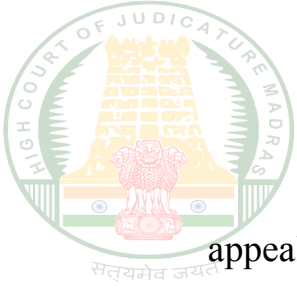
ORDER

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This Petition is filed to condone the delay 594 days in filing the Second Appeal before this Court against the decree and judgment dated 03.09.2022 made in AS No.54/2019 on the file of learned Additional District and Sessions Judge, Thanjavur reversing the judgment and decree dated 16.09.2017 made in OS No.207/2012 on the file of Learned Additional Sub Judge, Thanjavur.

2.The learned counsel for the petitioner would submit that the petitioner is aged about 70 years and due to lack of communication, he is not able to prefer an appeal in time and hence, the delay has been occurred.

3.The learned counsel for the respondent raised objections. However, considering the fact that the petitioner is more than 70 years old and he approached the Court for the relief of specific performance in the year 2014 in O.S.No.207 of 2012, but now she wants to challenge the concurrent findings of the Courts below, this Court is of the view that if an opportunity is not granted, her valuable right to prosecute the second



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appeal would be defeated.

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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 week from today. On such payment being made, the appeal is ordered to be taken on file **on 15.07.2026.**

30.06.2026

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T.V.THAMILSELVI,J.

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