



CMP(MD). No.5566 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/06/2026

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

**CMP(MD). No.5566 of 2026
in
SA(MD)No.SR28587 of 2026**

Charles ... Petitioner
Vs.
1. Aasirvatham,
2. Samathana ... Respondents

PRAYER :- To condone the delay of 676 days in filing the above Second Appeal and pass such further or other order as this Court.

For Petitioner : M/s.S.Mahalakshmi,

For Respondents : Mr.T.Indrachithu,

ORDER

This Petition is filed to condone the delay of 676 days in filing the above Second Appeal.

2. The learned counsel for the petitioner would state that due to lack of communication, he was not able to follow the proceedings and it



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also falls under during the COVID-19 period. Therefore, he prayed to condone the delay of 676 day to prefer the second appeal. Further, the learned would also submit that in the first appeal, the decree was reversed, accordingly, the suit was dismissed. However, he is having valid defence to prove his right and title over the property. Therefore, prayed one more opportunity.

3. The learned counsel for the respondents raised objections stating that as a plaintiff, he bound to follow the proceedings and he wantonly remains absent and after nearly two years, he come forward with the present application, seeking to prefer the second appeal, without assigning any sufficient reason for the inordinate delay.

4. Considering the submissions, it reveals that in the year 2013, the petitioner has filed a suit praying for injunction in respect of the suit property, stating that he is the owner of the property and the defendants contested the suit. On hearing both sides, the suit was decreed. Against which, the defendants preferred an appeal in A.S.No.12 of 2021 before the Subordinate Court, Sankarankovil, But, in the appeal proceedings,



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the petitioner /plaintiff was not appeared, he said *exparte*. However, the appeal also been allowed by reversing the trial Court finding. Therefore, an opportunity is to be given to the plaintiff to contest the appeal, since according to him, he is having valid defence as well as material documents to prove his right and title over the property. If opportunity not given his valuable right to defend the case will be defeated. Furthermore, it also reveals that the appeal was filed during the COVID-19 period, due to lack of communication, he was also not appeared since he is coming from remote village.

5. Considering all the facts, this Court is inclined to allow the application on payment of cost of Rs.2,000/- (Rupees Two Thousand only) to the learned counsel for the respondents within a week from today. On production of receipt of such payment, the Registry is directed to number the second appeal, if the papers are otherwise in order and list the same **for admission on 14.07.2026.**

29.06.2026

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T.V.THAMILSELVI,J.

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