



CMP(MD). No.5405 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 23/06/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). No.5405 of 2026 in
SA(MD)Sr.No.31569 of 2026

M.Rajesh

... Petitioner

Vs

The Executive Officer,
Arulmigu Someshwarar Swamy Thirukoil,
Office at Arulmigu Sarangapani Swamy Thirukoil
Kumbakonam Town and Taluk.. ... Respondent

PRAYER :-

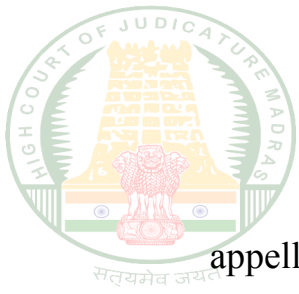
To Condone the delay of 1014 days in filing the above Second Appeal
and pass such further or other orders.

For Petitioner : A.Mohamedhaneef-Ms/866/2011,
Advocate.

ORDER

The present petition has been filed seeking condonation of a delay
of 1,014 days in filing the Second Appeal.

2. The learned counsel for the applicant submitted that the



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appellant was under the bona fide impression that the first appeal was still pending and that he was in regular contact with the counsel engaged to represent him in A.S. No. 35 of 2019. It was further submitted that the appellant was periodically informed by the clerk of the said counsel that the counsel was not keeping good health and had, in fact, been suffering from cancer during the years 2023 and 2024. Subsequently, the counsel passed away on 14.09.2025.

3. It is stated that it was only upon receipt of notice in E.P. No. 1 of 2026, towards the end of February 2026, that the petitioner/appellant came to know of the dismissal of the first appeal. Thereafter, the petitioner took immediate steps to obtain certified copies and file the present Second Appeal without any further delay.

4. Despite service of notice, the respondents have neither chosen to appear in person nor through counsel.

5. Considering the averments set out in the affidavit filed in support of the application and the submissions made by the learned counsel for the applicant, this Court is satisfied that the petitioner has shown sufficient cause for not preferring the Second Appeal within the prescribed period of limitation.



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6. Accordingly, the Civil Miscellaneous Petition is allowed and the delay of 1,014 days in filing the Second Appeal is condoned.

23.06.2026

TRP

Note : Registry is directed to number the Second Appeal if it is otherwise in order and list it for admission in usual course.