



CMP(MD) NO. 4541 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-04-2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CMP(MD) NO. 4541 of 2026

AND

CMP(MD) NO. 4543 OF 2026, CMP(MD) NO. 4544 OF 2026,

CMP(MD) NO. 4542 OF 2026

in

S.A.(MD)No.SR83000 of 2024

1. Rajathi
W/o. Raja
Door No.4B
North Street
Mela Oorudaiyar Kudiyruppu
Thachanallur Post
Tirunelveli District.

Petitioner(s)

Vs

1. Esakki alias Kumar
S/o. Late. Manickam
No.12/1
Nambirajapuram
Thachanallur Post
Tirunelveli District.

2. Muniammal (Died)

3. Mallika
W/o. Mariappan
Door No.31/1
South Street
Mela Oorudaiyar Kudiyruppu
Thachanallur Post
Tirunelveli District.



4. Kala
W/o. P.Jeyashankar

No.42
Kaliyamman Kovil Street
Patta Pathu
Tenkasi Taluk and District.

5. Laxmanan
S/o. Ramalingam
No.31/1
Mela Oorudaiyar Kudiyruppu
Thachanallur Post
Tirunelveli District.

CMP(MD) NO. 4543 of 2026

Respondent(s)

Rajathi
W/o. Raja,
Door No.4B,
North Street,
Mela Oorudaiyar Kudiyruppu,
Thachanallur Post,
Tirunelveli District.

Petitioner(s)

Vs

Esakki alias Kumar
W/o. Raja
Door No.4B
North Street
Mela Oorudaiyar Kudiyruppu
Thachanallur Post
Tirunelveli District. and 4 Others

Respondent(s)

CMP(MD) NO. 4544 of 2026

Rajathi
W/o. Raja,
Door No.4B,
North Street,
Mela Oorudaiyar Kudiyruppu,



Thachanallur Post,
Tirunelveli District.

Petitioner(s)

Vs

Esakki alias Kumar
W/o. Raja
Door No.4B
North Street
Mela Oorudaiyar Kudiyruppu
Thachanallur Post
Tirunelveli District. and 4 Others

Respondent(s)

CMP(MD) NO. 4542 of 2026

Rajathi
W/o. Raja,
Door No.4B,
North Street,
Mela Oorudaiyar Kudiyruppu,
Thachanallur Post,
Tirunelveli District.

Petitioner(s)

Vs

Esakki alias Kumar
W/o. Raja
Door No.4B
North Street
Mela Oorudaiyar Kudiyruppu
Thachanallur Post
Tirunelveli District. and 4 Others

Respondent(s)

For Petitioner(s):

D.Nallathambi
V.Meenakshi Sundaram
S. Rajesh Kanna

For Respondent(s):

Prayer in C.M.P.(MD)No.4541 of 2026:

To accept the cause title in the second appeal in S.A.(MD) S.R. No. 83000 of 2024 against judgment and decree made in A.S. No. 88 of 2020 on



the file of the learned Principal Judge of Tirunelveli dated 15.09.2022 reversing the judgment and decree made in O.S. No. 206 of 2015 on the file of the Additional Sub Judge, Tirunelveli dated 10.03.2020 and thus render justice.

Prayer in C.M.P.(MD)No.4542 of 2026:

To dispense with the production of the certified copy of the judgment and decree made in A.S.No.88 of 2020, on the file of the learned Principal District Judge, Tirunelveli dated 15.09.2022.

Prayer in C.M.P.(MD)No.4543 of 2026:

To dispense with the production of the certified copy of the judgment and decree made in O.S.No.206 of 2015, on the file of the learned Additional Sub Judge, Tirunelveli dated 10.03.2020.

Prayer in C.M.P.(MD)No.4544 of 2026:

To condone the delay of 698 days in filing the above Second Appeal against the judgment and decree made in A.S.No.88 of 2020, on the file of the learned Principal District Judge of Tirunelveli dated 15.09.2022 reversing the judgment and decree made in O.S.No.206 of 2015 on the file of the Additional Sub Judge, Tirunelveli dated 10.03.2020.

COMMON ORDER

Heard Mr.V.Meenakshi Sundaram, learned Counsel for the petitioner. The petitioner has filed the present Second Appeal as a third party. According to the learned Counsel for the petitioner / appellant, the petitioner purchased the property from the vendor of the petitioner, who had succeeded before the trial Court and before the First Appeal could be filed. Though first appeal was



later filed and also defended by the vendor, the first appeal was contested by the petitioner's vendor and ultimately first appellate court reversed the findings of the trial Court. The petitioner's vendor appears to have preferred Second Appeal in S.A.(MD)No.252 of 2024 and also obtained an order interim stay. Thereafter, according to the learned Counsel for the petitioner, the petitioner's vendor has withdrawn the Second Appeal, which has seriously prejudiced the petitioner / appellant who has purchased the property from his vendor.

2.In the light of the above, I was satisfied that the petitioner is entitled to leave to prefer this Second Appeal, in order to protect his suit property. In fact, being satisfied with the reasons, I have already granted leave for filing Second Appeal. Hence, the question of delay in filing Second Appeal does not arise. Hence, C.M.P.(MD)No.4544 of 2026, is dismissed as unnecessary.

3.Accordingly, C.M.P.(MD)Nos.4541, 4542 & 4543 are allowed.

4.Registry is directed to number the Second Appeal, if it is otherwise in order and list the same for hearing on **08.04.2026**.

MR

06-04-2026



To

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No.12/1
Nambirajapuram
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Tirunelveli District.

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