



CMP(MD). No.18966 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). No.18966 of 2025 in
SA(MD)SR.No.9890 of 2023

1. R.Pushparani
2. M.Vinibert Fernando

... Petitioners

Vs

1. Dencil Kuthelan
2. A.Karpagam Elizabeth

... Respondents

PRAYER :-

To condone the delay of 256 days filing in the above Second Appeal
and thus render justice.

For Petitioners : Mr.P.Edin Brough
For 1st respondent : Mr. J. Roshini

ORDER

This petition has been filed to condone the delay of 256 days in
filing the above Second Appeal.



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2. The learned counsel appearing for the petitioners invited my attention to paragraph Nos. 3 and 4 of the affidavit filed in support of this petition, stating that the delay in filing the Second Appeal was neither willful nor wanton, but occurred only due to the ill health of the petitioners and also due to the COVID-19 pandemic, which had started in 2021. The learned counsel for the petitioners would therefore state that since the suit is one for declaration and substantial rights of the parties are involved, the petitioners may be permitted to prosecute the Second Appeal on merits.

3. Per contra, Ms. J. Roshini, learned counsel appearing for the respondents, would state that the petitioners have not assigned satisfactory reasons and that the delay of 256 days has not been properly explained. Therefore, the petitioners are not entitled to any indulgence from this Court.

4. I have carefully considered the submissions made by the learned counsel appearing on either side.



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5. I am satisfied that the petitioners have shown sufficient cause for not preferring the Second Appeal in time. Admittedly, in January 2021, the COVID-19 pandemic was at its peak, and the Hon'ble Supreme Court had also extended the period of limitation for filing appeals and other proceedings. In such circumstances, the petitioners are entitled to be heard on merits in the appeal and should not be non-suited on the ground of delay. Moreover, the delay is neither inordinate nor deliberate.

6. Accordingly, the CMP is ordered. Registry is directed to number the Second Appeal, if it is otherwise in order, and list it for admission in the usual course. Further, the Registry is directed to print the name of the counsel for the first respondent in the cause list at the time of admission.

17.04.2026

trp