



C.M.P.No.10239 of 2023  
in S.A.SR.No.43453 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 22.04.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.M.P.No.10239 of 2023**

**in**

**S.A.SR.No.43453 of 2023**

S.Mullai, F/A 43 years,  
W/o.Vijayakumar,  
P.Pallipatti Post and Village,  
Pappireddypatti Taluk,  
Dharmapuri District.

Presently residing at  
2903, 3<sup>rd</sup> Place Apt F17,  
Lubbock, TX,  
USA – 79415

Rep by her Power Agent V.Srinivasan,  
S/o. Vedyappa Gounder,  
P.Pallipatti Post and Village,  
Pappireddypatti Taluk,  
Dharmapuri District.

... Petitioner/Appellant

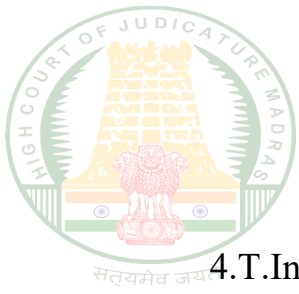
vs.

1.Devaraj (Died)

2.Palanisamy

3.Murugan

1/4



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4.T.Indhira Gandhi

5.R.Sorubarani

... Respondents

*(R1 Died, R4 and R5 are brought on record as LR of the deceased R1 vide Court order dated 22.04.2026 made in CMP.No.27833/2025 in SA.SR.No.43453/2023)*

**PRAYER:** Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 1333 days in preferring the above second appeal against the judgment and decree dated 23.04.2019 made in A.S.No.6 of 2016 on the file of Subordinate Judge, Harur, Dharmapuri District in confirming the Judgment and Decree dated 20.10.2014 made in O.S.No.487 of 2008 on the file of Principal District Munsif Cum Judicial Magistrate Court, Pappireddypatti, Dharmapuri District.

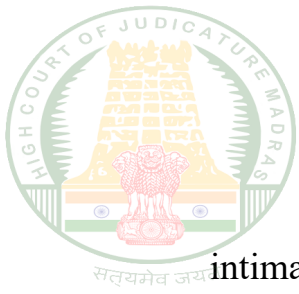
For Petitioner/Appellant: Mr.C.Prabakaran

For R1 to R4 : Ms.E.Thiyaga  
for M/s.B.Balavijayan

## **ORDER**

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 1333 in filing the above second appeal.

2. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that the fact of disposal of the first appeal was not



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intimated to the petitioner immediately and he acquired knowledge about the same only during the first week of February-2020 and thereafter, due to outbreak of covid pandemic, he could not take any steps. Thereafter, the copy application was made on 08.12.2022 and the same had made ready on 20.12.2022. Ultimately, the second appeal was filed on 28.03.2023.

3. Having satisfied with the reasons assigned in the affidavit filed in support of condone delay petition, delay is condoned. C.M.P.No.10239 of 2023 is allowed on condition that the petitioner pays a sum of Rs.5,000/- as cost to the respondents on or before 30.04.2026, failing which, the civil miscellaneous petition shall stand automatically dismissed.

4. On compliance of the above condition within the time stipulated, the Registry is directed to number S.A.SR.No.43453 of 2023 and list the same for admission.

**22.04.2026**  
**(2/2)**

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**S.SOUNTHAR, J.**

dm

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**22.04.2026**  
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