



WEB COPY

CMP No. 25484 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-09-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 25484 of 2025

AND

SA SR NO. 73760 OF 2025

N. Palanivel Aachari
S/o.Natesa Aachari,
Main Road, Mangottai St, Kallathur Village,
Udayarpalayam Tk, Ariyalur Dist.

..Appellant(s)

Vs

1. Rajendran
S/o.Natesa Asari,
State Bank Colony, Jayamkondam,
Udyarpalayam Tk, Ariyalur Dist.
2. Kolanji
S/o.Natesa Asari
No.41, Senthil Nagar 3rd Cross, Chinna Porur,
Chennai 166.

Rasathi Ammal (Died)
3. Special Tahsildar
Unit-109, Jayamkondam Lignite and Thermal
Power Scheme, Velayutham Nagar,
Jayamkondam, Ariyalur Dist.
4. Panchamirtham
W/o.Saminathan,
Flat No. 175, Indra Nagar (Ex-Army Colony)
Trichy 15.



5. Thaiyalnayagi
W/o.Rajendran,
Sevaga St, Jayamkondam, Udyarpalayam Tk,
Ariyalur Dist.

..Respondent(s)

PRAYER IN CMP No. 25484 of 2025

Civil Miscellaneous Petition filed under Sec.5 of Limitation Act, praying to condone the delay of 1066 days in filing the Second Appeal against the Judgement and Decree dated 9.4.2021 passed in AS.NO. 6/2017 on the file of Subordinate Court at Jayamkondam.

For Appellant(s): Mr. K.P.P..Raja Raja Chozhan

For Respondent(s): Mr.T.Deeraj,
for M/s.P.V.Law Associates for R1

Mr.S.Saravanakumar,
Addl. Govt. Pleader for R4

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 1066 days in filing the above Second Appeal against the judgment and decree dated 09.04.2021 passed in A.S.No.6 of 2017, on the file of Sub-Court at Jayamkondam confirming the judgment and decree passed in O.S.No.9 of 2002 dated 28.07.2010 on the file of District Munsif Court, Jayamkondam.

2. Mr.K.P.P.Raja Raja Chozhan, learned counsel for appellant submitted that as the papers in connection with Appeal Suit in A.S.No. 26 of 2017 was not available, the same was obtained and thereafter, due to illness, the appellant was not able to come to Chennai and to engage his counsel. Only during the month of April 2025, he gave instructions to file the Second Appeal. However,



there is a delay of 1066 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr.T.Deeraj, learned counsel for 1st respondent and Mr.S.Saravanakumar, learned Addl. Government Pleader for 4th respondent appeared and they have raised strong objections in allowing the above petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.3000/- payable to the learned counsel for 1st respondent and a sum of Rs.3000/- to the learned Additional Government Pleader appearing for 4th respondent, totally a sum of Rs.6000/- within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 23.09.2026.

11-09-2026

RPP

To

1. The Sub-Court at Jayamkondam.
2. The District Munsif Court, Jayamkondam.
3. The Special Tahsildar, Unit-109, Jayamkondam Lignite and Thermal Power Scheme, Velayutham Nagar, Jayamkondam, Ariyalur Dist.
4. The Section Officer, VR Section, Madras High Court.
5. The Public Prosecutor, High Court, Madras.



WEB COPY

CMP No. 25484 of 2



Order QR

T.V.THAMILSELVI J.

RPP

**CMP No. 25484 of 2025
AND
SA SR NO. 73760 OF 2025**

11-09-2026