



C.M.P.No.22524 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. B.BALAJI

C.M.P.No.22541 of 2025

in A.S.SR.No.141257 of 2025

1. The Supeintending Engineer,
Tamilnadu Electricity Board,
Villupuram.

2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Kandamangalam.

3. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Thiruchitrambalam.

4. The Junior Engineer,
Tamil Nadu Electricity Board,
Thiruchitrambalam.

...Petitioners/Appellants

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C.M.P.No.22524 of 2025

Vs

1. R Sudha

2.R. Gopinath

3.Pushpavathi

...Respondents/Respondents

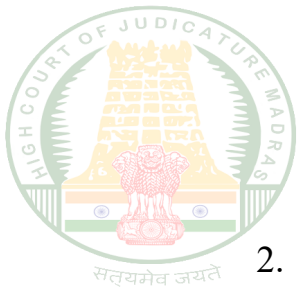
For Appellants : Mrs.J.Hemalatha Gajapathy

For Respondents : Mr.K. Elango for R1 and R2
R3 - Died

ORDER

Heard the learned counsel for the petitioners and the learned counsel for the respondents. This petition has been filed to condone the delay of 650 days in filing the first appeal challenging the judgment and decree dated 22.08.2023 in the suit O.S.No.353 of 2022 passed by the learned First Additional District Judge, Tindivanam.

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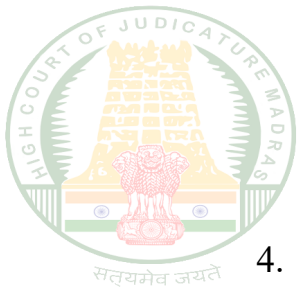


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2. The respondents had sought for compensation from the petitioners for the unfortunate demise of one Rajendran. A claim of Rs.15 lakhs was made in the suit. The suit was contested by the defendants who are the petitioners herein by filing a written statement and also by participating in the trial by cross-examining the witnesses examined on behalf of the plaintiffs therein. However, as defendants in the suit, they did not choose to lead any evidence, either oral or documentary. After considering the issues that were framed, the trial court has proceeded to grant a decree for Rs.14,04,000/- payable together with interest at 7.5% per annum to the plaintiffs in the suit.

3. Therefore, the respondents had issued a notice on 26.06.2024 calling upon the petitioners to comply with the decree. It is only thereafter, that the petitioners have woken up and even filed a copy application on 18.07.2024. The present appeal has been filed by the petitioners on 01.09.2025.



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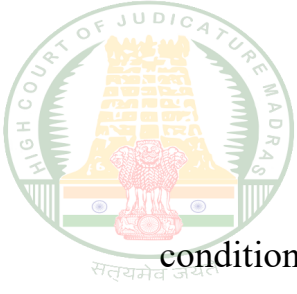
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4. The learned counsel for the petitioners would submit that the respondents have filed an execution petition to execute the decree and an attachment have been ordered in the execution petition.

5. In the light of the above, considering that the suit is one for the compensation, the petitioners should be given an opportunity to contest the decree on merits. However, having filed an appeal belatedly, the reasons assigned are that the petitioners were under the impression that the government counsel was taking care of the matter and only after the receipt of the notice from the respondents, the petitioners have approached the advocate and were shocked to know that the decree had already been passed. Immediately, they applied for the copy of the order and thereafter, due to administrative delays, the appeal was not filed in time.

6. Being satisfied with the reasons stated in the affidavit filed in support of the petition, I am inclined to condone the delay in filing of the first appeal, on

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condition that the petitioners are directed to pay a sum of Rs.5,00,000/- to the respondents/plaintiffs without prejudice and on account to the first appeal, in view of the above order, the execution proceedings shall stand deferred.

7. Accordingly, this petition is ordered and for reporting compliance, post the matter on 11.12.2025.

20-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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P.B.BALAJI,J.

ssa

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