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CMP No. 27569 of 2025
SA Sr No.12481 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CMP No. 27569 of 2025 and
SA Sr No.12481 of 2017**

Arumugam (Died)

1. Murugesan,
S/o.Arumugam,
2. Chinnasamy,S/o.Arumugam
3. Mani, S/o.Arumugam.
4. Subramani, S/o.Kulandaisamban
5. Murugesan, S/o.Subramani.
6. Kandhasamy, S/o.Kulandaisamban.
7. Palanisamy, S/o.Kandasamy,
Petitioners 1 to 7 are residing at Poosaripatti,
Anupoor Village, Valappadi Taluk,
Salem District.

..Petitioner(s)/
Appellant(s)

Vs

Mani, S/o.Kandappa Gounder,
Poosaripatti, Anupoor Village,
Valappadi Taluk, Salem District.

..Respondent(s)



Prayer in CMP No.27659 of 2025: Civil Miscellaneous Petition is filed to condone the delay of 3025 days in representing the above Second Appeal

against the Judgment and Decree passed in A.S.No.47 of 2014, dated 02.02.2015, on the file of the Principal Sub Court, Salem, confirming the Judgment and Decree passed in O.S.No.738 of 2007, dated 20.02.2014, on the file of II Additional District Munsif Court, Salem.

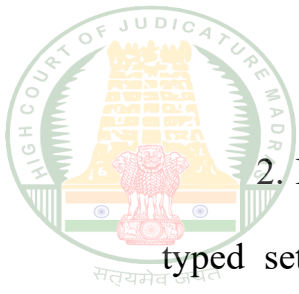
Prayer in S.A. Sr No.12481 of 2017: Second Appeal is filed under Section 100 of CPC against the Judgment and Decree passed in A.S.No.47 of 2014, dated 02.02.2015, on the file of the Principal Sub Court, Salem, confirming the Judgment and Decree passed in O.S.No.738 of 2007, dated 20.02.2014, on the file of II Additional District Munsif Court, Salem.

For Petitioner(s) Mr. P.Rajavel
Appellant(s):

For Respondent(s): Mr.N.Umapathi

COMMON ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 3025 days in representing the second appeal papers.



2. It is seen from the affidavit filed in support of the petition and also the typed set of papers that the suit in O.S.No.738 of 2007 was filed by the respondent for permanent injunction against the petitioners and he obtained a decree on 20.02.2014. The first appeal filed by the petitioners was dismissed by the first appellate court on 02.02.2015. Thereafter, the petitioners filed the present second appeal on 10.02.2017. The second appeal was returned by the office on 30.11.2018.

3. According to the petitioners, as per the averments made by them in the affidavit filed in support of the petition, the second appeal was represented only on 27.07.2025 after full compliance. The petitioners stated in the affidavit that the 3rd petitioner was suffering from jaundice at the relevant point of time and therefore, there was a delay in representing the returned papers. The petitioners also stated that due to the death of their father, they could not represent the papers in time. Further, spreading of Corona virus from March 2020 has also been mentioned as a reason for condoning the delay of more than 8 years in representing the papers.

4. It is seen from the affidavit that the petitioners have not mentioned the date of death of their father. In any event, the petitioners cannot try to explain the delay of more than 3000 days by stating the death of their father. It is a matter of common knowledge that Covid pandemic struck the whole world



during March 2020 and it continued till February 2022. However, the petitioners have no justified reason for explaining the delay from the year 2017 to 2020 and from 2022 to 2025. Therefore, the petitioners have not given any valid reason for condoning such inordinate delay of 3025 days in representing the appeal papers.

5. A perusal of the records shows that the petitioners presented the second appeal on 10.02.2017 and the same was returned on 15.02.2017. The petitioners represented the appeal papers on 27.11.2018. Again, the second appeal papers were returned on 03.12.2018 and it was represented on 12.12.2018. Further the papers were returned by the Registry on 07.01.2019 and thereafter, the petitioners represented it only on 29.07.2025. However, in the affidavit, the petitioners have not mentioned anything about the representation of the second appeal papers on 27.11.2018 and on 12.12.2018. The averments have been made in the affidavit, as if after returning of appeal papers on 30.11.2018, it was represented only on 27.07.2025. Therefore, the petitioners have not not given the full facts regarding returns and representation of the appeal papers. In such circumstances, without any valid reason to explain the inordinate delay of 3025 days in representing the appeal papers, this court is not inclined to condone such delay.



6. Accordingly, the civil miscellaneous petition is dismissed.

Consequently, the second appeal is rejected in SR stage itself. There shall be no order as to costs.

18-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

1. The Principal Subordinate Judge, Salem
2. The II Additional District Munsif, Salem.



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SOUNTHAR, J.

MST

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