



CMP(MD)No.
in SA(MD)SR.No.33815 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20-01-2026

CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CMP(MD) No.7866 of 2025
in
SA(MD) SR.No.33815 of 2025

Arulmery

**Petitioner/
Appellant**

Vs

Prema

**Respondent/
Respondent**

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 343 days in filing second appeal against the decree and judgment passed in A.S.No.53 of 2022 on the file of Principal Sub Judge, Tirunelveli dated 21.12.2023 reversing the judgment and decree dated 02.02.2019 passed in O.S.No.118 of 2023 on the file of I Additional District Munsif Court, Tirunelveli.

For Petitioner: Mr.T.Selvan, Advocate

For Respondent: Mr.G.Prabhu Rajadurai

ORDER

The above petition has been filed seeking orders to condone the delay of 343 days in filing the second appeal, challenging the judgment and decree passed in A.S.No.53 of 2022 dated 21.12.2023 on the file of the Principal Sub Court, Tirunelveli, reversing the



CMP(MD)No.
in SA(MD)SR.No.33815 of 2025

judgment and decree made in O.S.No.118 of 2013 dated 02.02.2019 on the file of the I
Additional District Munsif Court, Tirunelveli.

WEB COPY

2. Despite posted as finally, counter not filed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. The reason canvassed in the delay condonation petition is that the petitioner suffered from viral fever and was taking treatment at Kerala and hence, she was unable to meet her counsel for filing the appeal and that the delay occurred is neither willful nor wanton and the petitioner will be put into hardship and irreparable loss, if the delay is not condoned.

5. The learned counsel appearing for the respondent would submit that they are having objections but not mentioned specifically.

6. Considering the reasons assigned and also taking note of the submissions made on either side, this Court is inclined to condone the delay but on terms. Hence, this petition will be allowed on payment of cost of **Rs.3,000/- (Rupees Three Thousand only)** by the petitioner to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIB000H040], on or before **29.01.2026**, failing which, this petition shall stand dismissed automatically.

7. Post the matter on 30.01.2026 'for reporting compliance'.

20-01-2026

CSM

To

1.The Officer Incharge,
Advocates Welfare Fund,
Madurai Bench of Madras High Court,
Madurai.

2/2