



WEB COPY



CMP(MD)No..
in SA(MD)SR.No.45786 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-01-2026

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THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CMP(MD) No.9221 of 2025

in

SA(MD) SR.No.45786 of 2025

Thangammal

**Petitioner/
Appellant**

Vs

1.Adaikalam

2.Udayakumar

3.Kannan

**Respondents/
Respondents**

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 314 days in filing the above second appeal.

For Petitioner: Mr.M.Mohamed Ibram Saibu, Advocate

For Respondents: Mr.P.Pagalavan, Advocate

ORDER

The above petition has been filed seeking orders to condone the delay of 314 days



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in filing the second appeal, challenging the judgment and decree passed in A.S.No.47 of 2021 dated 22.09.2023 on the file of the Subordinate Court, Keeranur, confirming the judgment and decree made in O.S.No.85 of 2008 dated 17.12.2018 on the file of the District Munsif Court, Keeranur.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The reason canvassed in the delay condonation petition is that the petitioner's advocate before the first Appellate Court informed that copy application was filed immediately and due to miscommunication between him and his junior, they failed to apply for the copies and after coming to know the same, copy application was filed on 05.02.2024 and copies were made ready on 09.09.2024, that the petitioner engaged one Sulthan Basha, Advocate for filing the present appeal and was under impression that second appeal has been filed but subsequently, he came to know that the said counsel was no more and that the petitioner collected the papers and filed the present appeal.

4. The learned counsel appearing for the respondents would submit that number of days calculated is not correct and according to them, there was a delay of 622 days.



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5. As rightly contended by the learned counsel appearing for the petitioner, on perusal of records, it is evident that since copy application was made on 05.02.2024 and there was a delay of 136 days from the date of judgment and copies were made ready on 09.09.2024 and appeal was filed on 04.06.2025, quantum of delay calculated by the petitioner at 314 days is correct.

6. The learned counsel appearing for the respondents has not raised any other objections to condone the delay.

7. Considering the above facts and circumstances and taking note of the reasons assigned, this Court is inclined to condone the delay but on terms. Hence, this petition will be allowed on payment of cost of **Rs.2,000/- (Rupees Two Thousand only)** by the petitioner to the respondents, on or before **19.01.2026**, failing which, this petition shall stand dismissed automatically.

8. Post the matter on 20.01.2026 'for reporting compliance'.

02-01-2026

CSM