



CMP(MD)No.1.  
in SA(MD)SR.No.41145 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 06-02-2026

CORAM

**THE HONOURABLE MR JUSTICE K.MURALI SHANKAR**

CMP(MD) No.13455 of 2025

in

SA(MD) SR.No.41145 of 2025

1.V.Periyasamy

2.V.Sangili

**Petitioners/  
Appellants**

Vs

1.V.Mutharasu

2.V.Muthukumar

3.P.Vellaichamy

4.J.Ponrakku

5.S.Thangarakku

**Respondents/  
Respondents**

This Civil Miscellaneous Petition filed under Order XLI Rule 3(A) C.P.C. praying to condone the delay of 419 days in filing the second appeal before this Court.

**For Petitioners:** Mr.G.Thalaimuthurasu, Advocate

**For Respondents:** No appearance

**ORDER**

The above petition has been filed seeking orders to condone the delay of 419 days in filing the second appeal, challenging the judgment and decree passed in A.S.No.10 of



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2022 dated 10.11.2023 on the file of the Additional District and Sessions Court, Srivilliputtur, reversing the judgment and decree made in the counter claim in O.S.No.9 of 2015 dated 16.12.2021 on the file of the Additional Subordinate Court, Srivilliputtur.

2. Despite receipt of Court notice, the respondents have not turned up.

3. Heard the learned counsel appearing for the petitioners.

4. The reason canvassed in the delay condonation petition is that due to some compromise talks that were going on in their family to amicably resolve the issue, the petitioners could not file the second appeal, that the other side has already filed a second appeal and the same is pending in S.A.(MD)No.389 of 2024 and that the delay occurred is neither willful nor wanton.

5. As already pointed out, the respondents, by receiving the notice, have not turned up.

6. Considering the facts and circumstances and also 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.3,000/- (Rupees Three Thousand only)** by the petitioners 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 **16.02.2026**, failing which, this petition shall stand dismissed automatically.

7. Post the matter on 17.02.2026 'for reporting compliance'.

**06-02-2026**

CSM

**To**

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

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