



CMP(MD). No.19823 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/07/2026

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CMP(MD). No.19823 of 2025
in SA(MD)No.SR73212 of 2025

1. K.Chellappa Gounder (Died)
2. Velammal,
3. Seeni Alias Rajendran,
4. Jayalakshimi,
5. Bharathi,
6. Muthulakshimi,

Vs.

... Petitioners

G.Vengatachalam,

... Respondent

PRAYER :- To Condone the delay in filing 5589 days in SA SR (MD).
No.73212 of 2025.

For Petitioners : M/s.P.Santhosh Kumar,

For Respondent : Mr.S.Karthik

ORDER

This Petition is filed to condone the delay of 5589 days in filing
the main second appeal.



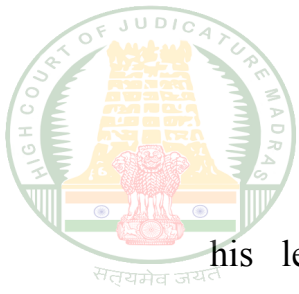
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2. The learned counsel for the petitioners would state that after the demise of the father, viz., Chellappa Gounder, who was the original defendant in the suit in O.S.No.72 of 2007, filed by the respondent for recovery of money. The suit was dismissed, against which, the plaintiff preferred and appeal in A.S.No.25 of 2008 and the same was allowed. But, after the death of father and due to lack of communication, the legal heirs have not aware of the disposal of the first appeal. Therefore, he prayed to condone the delay of 5589 days to prefer the second appeal.

3. The learned counsel for the respondent raised strong objection stating that as on date execution application was filed and the same is pending and the petitioners have not assigned any sufficient cause for the inordinate delay.

4. Admittedly, the judgment and decree passed by the first appellate Court are reversal findings. At the time of disposal of the first appeal, the original defendant, namely, Chellappa Gounder, was alive. After the disposal of the first appeal, he passed away, and consequently,



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his legal heirs were unable to effectively follow the subsequent proceedings. Nevertheless, the petitioners, being the legal heirs of the deceased defendant, still have a substantial defence to contest the respondent's claim for recovery of money. In the interest of justice, they ought to be afforded an opportunity to prosecute the appeal on merits.

5 Considering all the facts, this Court is inclined to allow the application. Accordingly, this Petition is allowed on payment of cost of Rs.7,000/- (Rupees Seven Thousand only) to the learned counsel for the respondent within a week from today. On production of receipt of such payment, the Registry is directed to number the second appeal, if the papers are otherwise in order and list the same **for admission on 28.07.2026.**

09.07.2026

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T.V.THAMILSELVI,J

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