



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty First day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.DURAI SWAMY

CMP(MD) No.1689 of 2016
IN
SA(MD) No.SR3805 of 2016

C. THURAI PANDIAN

... PETITIONER/APPELLANT

Vs

A. BABY

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to delay of 322 days in filing the above SA(MD)SR3805 of 2016 against the Judgment and decree dated 02.12.2014 made in A.S.No.68 of 2014 on the file of 1st Additional Subordinate Judge at Nagercoil and thus render justice.

PRAYER IN SA(MD) No.SR3805 of 2016:

Second Appeal against the Judgment and decree dated 02.12.2014 made in A.S.No.68 of 2014 on the file of the 1st Additional Subordinate Judge at Nagercoil reversing the Judgment and Decree dated 15.03.2014 made in O.S.No.123 of 2010 on the file of The Principal District Munsif, Nagercoil

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. T.LAJAPATHI ROY, Advocate for the petitioner and of MR.N.KRISHNAVENI, Advocate for the Respondents the court made the following order:-

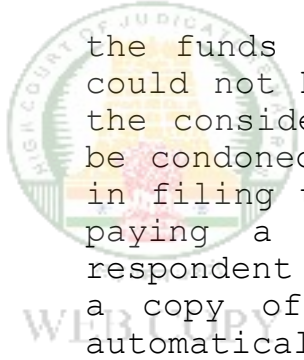
Heard both sides.

2. There is a delay of 322 days in filing the Second Appeal. In the affidavit filed in support of this petition, the petitioner has stated that he is working as a temporary employee in the postal department and therefore, he was not in position to mobilise the funds for filing the Second Appeal. Hence, there is a delay of 322 days in filing the Second Appeal.

3. The learned Counsel appearing for the respondent submitted that the petitioner has not satisfactorily explained the reasons for the delay.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Since the petitioner has stated that he could not mobilise



the funds for filing the second Appeal in time, the Second Appeal could not be filed at the earliest point of time, however, I am of the considered view that in the interest of justice, the delay can be condoned on payment of costs. Accordingly, the delay of 322 days in filing the Second Appeal is condoned on condition the petitioner paying a sum of Rs.1,000/- (Rupees One Thousand only) to the respondent within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand automatically dismissed without further reference to this Court. It is made clear that the petitioner shall pay the said sum of Rs.1,000/- to the learned Counsel appearing for the respondent in this petition before this Court within the stipulated time.

5. Accordingly, theis petition is ordered.

sd/-
21/12/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE 1ST ADDITINAL SUBORDINATE JUDGE AT NAGERCOIL

2 THE PRINCIPAL DISTRICT MUNSIF, NAGERCOIL

ORDER
IN
CMP (MD) No.1689 of 2016
IN
SA (MD) No.SR3805 of 2016
Date :21/12/2016

SMA/MPA-EM/SAR-2/27.12.2016:2p/3c