

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty First day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.SATHYANARAYANAN

CMP No.839 of 2017

IN SA.SR92168/2016

R.KALA

[PETITIONER]

Vs

1 SUNDARAMOORTHY

[RESPONDENTS]

2 GNANASEKAR

3 VEDHANAYAKI

4 LAKSHMIAMMAL

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 573 days in filing the second appeal against the judgment and decree in A.S.NO.18 OF 2014 on the file of sub-court, Vellore dated 27.02.2015 confirming the judgment and decree passed in O.S.NO.499/2008 ON 28.11.2013 on the file of principal district Munisif court Vellore, Vellore District in (CMP No.839 of 2017 IN SA.SR92168/2016).

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.R.GOVINDASAMY, Advocate for the petitioner and of MRS.P.VEENA SURESH Advocate for the 1 to 4 Respondents the court made the following order:-

The learned counsel appearing for the petitioner/appellant has invited the attention of this court to Paragraph No.5 of the affidavit and would submit that the delay had occurred due to the reasons assigned therein and the same cannot be construed as neither willfull nor wanton and would further submit that the petitioner/appellant is having a bright chance for success in the second appeal and therefore prays for condonation of delay.

2 However, this petition is strongly opposed by the learned counsel appearing for respondent by contending that the delay is around 1 1/2 years and in the absence of any acceptable reason, such a huge delay cannot be condoned and prays for dismissal of the same.

3 This Court heard the rival submissions and also perused the materials placed before it

4 The suit is one for partition, declaration and other consequential reliefs and therefore, taking into consideration the reasons assigned in paragraph No.5 this court is of the view, a chance may be given to the appellant to argue the second appeal for admission on merits and is also of the view for condonation of the same, the petitioner/appellant is to be put on terms.

5 In the result this petition is ordered subject to the condition, the appellant/petitioner shall pay Rs.2,000/- (rupees two thousand only) in favour of The Registrar [Administration], Madurai Bench of Madras High Court, Madurai, Account No.6514082295, [IFSC Code No.IDIB000H040], Indian Bank, High Court Branch, Madurai, on or before 05.06.2017.

6 List the matter for reporting compliance on 07.06.2017.

-sd/-
21/04/2017
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE, VELLORE

2 THE PRINCIPAL DISTRICT MUNSIF, VELLORE.

3 THE REGISTRAR (ADMINISTRATION)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE BRANCH MANAGER
INDIAN BANK, HIGH COURT, MADURAI.

C.C. to M/S.R.GOVINDASAMY Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.
Order

in
CMP.839/2017

in
SA.SR92168/2016

Date :21/04/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 25.04.2017