



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.11473 of 2017

IN

SA(MD) No.SR19996 of 2015

1 K.PONNAMMAL
2 A.SUBRAMANIAN
3 A.DHANABAL

... APPELLANTS/RESPONDENTS

Vs

R.SRIDHAR

... RESPONDENT / RESPONDENT

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 828 days in re-presenting the above second appeal.

PRAYER IN SA(MD) No.SR19996 of 2015:-

Memorandum of Grounds of Second Appeal against Judgment and decree dated 30.06.2014 and made in A.S.No.132 of 2008 on the file of the First Additional Subordinate Judge, Tiruchirapalli confirming the judgment and decree dated 31.03.2008 made in O.S.No.1493 of 2004 on the file of the Principal District Munsif Court, Tiruchirapalli.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.VIJAYARATHINAM, Advocate for the Appellant and the court made the following order:-

The petitioner has come forward with this petition seeking to condone the delay of 828 days in representing the Second Appeal in S.A(MD).No.Sr19996 of 2015.

2.The petitioner states that the petitioners herein filed this Second appeal against the Judgment and Decree, dated 30.06.2014, passed in A.S.No.132 of 2008 on the file of the I Additional Subordinate Judge, Tiruchirapalli, by confirming the Judgment and Decree, dated 31.03.2008 passed in O.S.No.1493 of 2004 on the file of the Principal District Munsif, Tiruchirapalli. The petitioner further states that the Second Appeal is filed in time on 25.04.2015, but on 03.06.2015 the appeal papers were returned by the Registry for rectifications of certain defects. Thereafter, the petitioner represented the same on 09.07.2015 and again it was returned on 03.08.2015. Thereafter, the petitioner again represented the papers on 13.08.2015 and the same was returned on



02.09.2015. Subsequently, since the parties were negotiating for settlement, the papers were not represented in time. Hence, the delay has occurred in representing the papers and seeks to condone the delay.

3. In such circumstances, considering the reason stated by the petitioner and the fact that admittedly the Second Appeal was filed in time and it was returned and represented on several occasions and finally, the matter was not represented as according to petitioner, negotiation was going on to settle the matter, this court is inclined to entertain this petition on condition.

4. In the result, this petition will be allowed on payment of cost of Rs.800/- (Rupees Eight Hundred only) to the High Court Legal Services Committee by the petitioner on or before 22.12.2017, failing which the petition shall stand dismissed automatically.

sd/-

14/12/2017

/ TRUE COPY /

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

TO

- 1 THE FIRST ADDITIONAL
SUBORDINATE JUDGE, TIRUCHIRAPALLI
- 2 THE PRINCIPAL DISTRICT MUNSIF,
TIRUCHIRAPALLI

COPY TO:-

THE AUTHORIZED OFFICER,
LEGAL AID SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

JAM/22.12.17/PM/ SAR 3 2P-4C

ORDER
IN
CMP(MD) No.11473 of 2017
IN
SA(MD) No.SR19996 of 2015
Date :14/12/2017