



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP (MD) No.1148 of 2017

IN

CROS.OBJ(MD) No.SR39513 of 2016

PERIYAMONDI

... PETITIONER/PETITIONER

Vs

- 1 CHELLAPPA
- 2 PAVUN
- 3 KARUPPAYEE
- 4 CHINNAMMA
- 5 CHINNA PONNU
SONAI (DIED)
- 6 PERIYAKARUPPAN
- 7 RAJA

... RESPONDENTS/RESPONDENTS

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 451 days in filing the cross appeal against the appeal in A.S.No.112/2015 and thus render justice.

Prayer in CROS.OBJ(MD) No.SR39513 of 2016 :

To allow the cross objection, and modifying the judgment and decree dated 15.12.2014 made in O.S.No.113 of 2011 on the file of V Additional District Judge, Madurai, by dismissing the suit, relating with the property in S.No.40/4, measuring 1 Acre 20 cents and the property in Comprised in S.No.6/3 measuring 61.50 Hectares in Thandalai Village in vadipattti Taluk in Madurai District, which is shown as item no.25 & 26 in the plaint and item no.5 & 6 in the III Schedule of the description of property in the decree and thus render justice.

Prayer in AS(MD). 112/ 2015 :

To set aside the decree and judgement dated 15.12.2014 made in O.S.No.113 of 2011 on the file V Additional District Judge, Madurai, decreeing the suit in part, by allowing the First Appeal decreeing the suit in full, and to grant such other relief or reliefs as this Hon'ble Court.

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.K.VIJAYANAND, Advocate for the petitioner and



of the respondents not appeared either in person or by an advocate the court made the following order:-

This petition has been filed to condone the delay of 451 days in filing the cross appeal against the appeal in A.S.No.112 of 2015.

2. The petition has stated in his affidavit that due to inadvertence, he could not find out the discrepancy in the decree relating with his own property. Regarding which, he could not file cross appeal in time. Hence, there is a delay in filing the cross appeal.

3. Heard learned counsels and perused the records.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Civil Miscellaneous Petition is allowed on terms that the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the Mediation and Conciliation Centre attached to this Court within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition will be dismissed automatically without further reference to this Court. No costs.

sd/-
24/11/2017

/ TRUE COPY /

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

TO

THE V ADDITIONAL DISTRICT JUDGE,
MADURAI

COPY TO
THE COORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.1148 of 2017 IN
CROS.OBJ(MD) No.SR39513 of 2016
Date :24/11/2017

MKV-CM-VR-SAR 3/6.12.2017/2P-3C