



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

Thursday, the Twenty First day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.11916 of 2017

IN

SA(MD) No.SR19012 of 2016

1 CHINNAMMAL
2 SELVARAJ
3 PONRAJ
4 KANAGARAJ

... PETITIONERS/PETITIONERS

Vs

1 PALANISAMY
2 THANGARAJ

... 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 509 days in representing the above Second Appeal in SA(MD).SR.No.19012 of 2016 on the file of this Honourable Court.

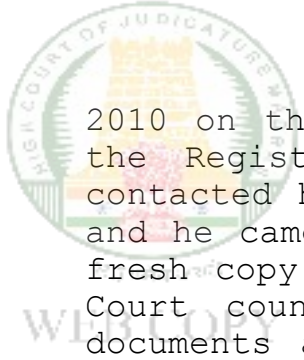
PRAYER IN SA(MD) No.SR19012 of 2016:

The Second Appeal against the Judgment and Decree passed in A.S.No.35 of 2015 on the file of Sub-Court, Kovilpatti dated 10.02.2016 confirming the Judgment and Decree passed in O.S.No.110 of 2010 on the file of the District Munsif Court, Kovilpatti dated 23.01.2015.

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.M.VISHNUVARTHANAN, Advocate for Mr.M.P.SENTHIL, Advocate for the petitioner and the court made the following order:-

The petitioners have come forward with this petition seeking to condone the delay of 509 days in representing the above Second Appeal in S.A(MD).No.SR19012 of 2016.

2.The petitioners state that the Second Appeal was filed by the petitioners in S.A(MD).No.SR19012 of 2016 before this Court on 25.04.2016, against the Judgment and decree, dated 10.02.2016, made in A.S.No.35/2015 passed by the Sub Judge, Kovilpatti, by confirming the judgment and decree, dated 23.01.2015, passed in O.S.No.110 of



2010 on the file of the District Munsif Court, Kovilpatti. After the Registry returned the appeal on 27.04.2016, the petitioner contacted his Lower Court counsel and since he was out of station, and he came back only in November 2016. Thereafter, only he filed fresh copy application to receive certain documents. As the Lower Court counsel took more than a month to hand over the entire documents and as the petitioner fell ill during December 2016, he could contact his counsel only during January 2017 and received the papers from the Lower Court counsel. Thereafter, the same was handed over to the counsel in the High Court and the bundle was misplaced in his office and the same was traced out only during November 2017 and only in such circumstances the delay has occurred in representing the Second Appeal. Hence the petitioner seeks to condone the delay.

3. In such circumstances, considering the reasons stated by the petitioner and the fact that the delay is only in representing the Second appeal which was filed in time, this Court is inclined to entertain this petition in the interest of justice on condition.

4. In the result, this petition will be allowed on payment of cost of Rs.500/- (Rupees Five Hundred only) to the High Court Legal Services Committee by the petitioner within a period of one week, failing which this petition shall stand dismissed automatically.

sd/-
21/12/2017

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE
KOVILPATTI

2 THE DISTRICT MUNSIF
KOVILPATTI

Copy to:

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

ORDER IN
CMP(MD) No.11916 of 2017 IN
SA(MD) No.SR19012 of 2016
Date :21/12/2017