



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

Wednesday, the First day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.5858 of 2017
IN
SA(MD) No.SR19727 of 2017

P.VIJAYAN

... PETITIONER/APPELLANT

Vs

1 VADAKARAYAN

2 KONGU, (DIED)

R2 DIED, R1 IS THE LRS OF
DECED R2, VIDE MEMO IN USR
4204/17, DT.08.09.17 IS
RECORDED, VIDE COURT ORDER
DATED 27.10.17 IN CMP(MD)
5858/17 IN SA SR19727/17 BY
SBJ

3 RAKKI

4 KARUPPAYEE

... 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 792 days in filing the above SA(MD)SR 19727/2017.

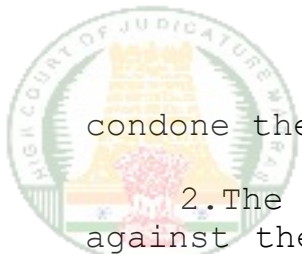
PRAYER IN SA(MD) No.SR19727 of 2017:

To set aside the judgment and decree dated 05.01.2015 made in A.S.No.69/2013 on the file of the Learned Sub-ordinate Judge, Sivagangai confirming the judgment and decree dated 13.03.2012 in O.S.No.13/2010 on the file of the District Munsif cum Judicial Magistrate, Ilayankudi.

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.K.C.RAMALINGAM, Advocate for the petitioner and the R1, R3 & R4 are not appeared either in person or by an Advocate, the court made the following order:-

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

The petitioner has come forward with this petition seeking to



condone the delay of 792 days in filing the Second Appeal.

2.The petitioner states that he has preferred the Second Appeal against the judgment and decree dated 05.01.2015, made in A.S.No.69 of 2013, confirming the judgment and decree dated 13.03.2012 passed in O.S.No.13 of 2010 on the file of the District Munsif-cum-Judicial Magistrate, Ilayangudi. According to the petitioner, the first Appellate Court passed the judgment on 05.01.2015 and he filed copy application on 04.08.2015, stamps called for on 14.09.2015, stamp deposited on 15.09.2015, copies made ready on 23.09.2015 and copies delivered on 28.09.2015. According to the petitioner, after receiving the order copy, there was a talk of settlement between the parties. Hence, there was some delay in preferring the Second Appeal. As the talks failed, he has come forward with this petition to condone the delay of 792 days occurred in filing the Second Appeal.

3.Inspite of notice being served to the respondents 1, 3 and 4, neither the respondents themselves nor their counsel are present.

4.In view of the reasons stated by the petitioner and the fact that the respondent has not come forward to oppose the petition, this Court is inclined to entertain this petition on condition.

5.In the result, this petition is allowed on payment of cost of Rs.750/- (Rupees Seven Hundred and Fifty only) to the High Court Legal Service Committee, is to be paid by the petitioner on or before 09.11.2017, failing which this petition will stand dismissed.

sd/-
01/11/2017

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE
SIVAGANGAI

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
ILAYNKUDI

ORDER IN
CMP(MD) No.5858 of 2017 IN
SA(MD) No.SR19727 of 2017
Date :01/11/2017