



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

Friday, the Sixth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.9095 of 2017
IN
SA(MD) No.SR36909 of 2013

1 A.PATHAR SHAH
2 A.BAHARDEEN
3 S.SHAHUL HAMEED
4 MYDEEN

... PETITIONERS/APPELLANTS

Vs

1 M.KULSAM BEEVI
2 M.FAROOK
3 M.SHAJAHAN
4 M.SALIM
5 M.NAZAR
6 AHAMED BEEVI
7 KATHIJA BEEVI
8 A.NOORJAHAN
9 A.MOHAMOOtha BEEVI
10 A.ZEENATH BEEVI
11 ROHIYA BEEVI
12 MOHAMED IQBAL
13 S.M.BAHARDEEN
14 S.M.HANEEFA
15 Nowsath
16 S.M.NAZEER
17 S.NOORJAHAN
18 S.SAINABA
19 MUSTHAFFA
20 PEERMOHAMED
21 KAMAL
22 SAHARAMA
23 BALKEES
24 KULSAM
25 JENOBA
26 ASISHAKANNU
27 SHAHUL HAMEED
28 HAJA
29 SALEEM
30 MOHAMED NOOHU
31 MYDEEN
32 SADIQUE



33 VASEELA BEGAM
34 SABIYA
35 KATHERUMMA
36 BEEMA
37 A.MAHAMOOTHA
38 S.SARABU
39 S.SATHIQ
40 S.ANAS
41 S.RAZIK
42 S.JESIMA
43 S.ANWAR
44 S.MOHAMMED JAWAHAR
45 M.FATHIMA SAHIB BANU
46 S.SHAFAEEK

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone delay of 1381 days for representing the above second appeal in S.A.SR.No.36909 of 2013 and thus render justice.

Prayer in SA(MD) No.SR36909 of 2013:

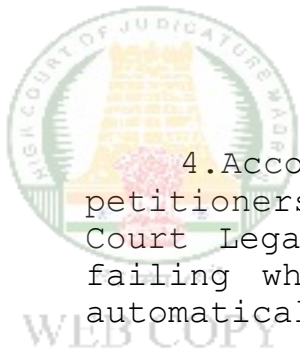
To call for the records relating to the judgment and decree dated 02.01.2013 made in A.S.No.42 of 2007 on the file of the District Judge, Kanyakumari at Nagercoil reversing the Judgment and Decree dated 17.03.2003 made in O.S.No.103 of 1993 on the file of the I Addiktional District Sub Court, Nagercoil and set aside the same and allow this Second Appeal.

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.I.VELPRADEEP, Advocate for the petitioners and the court made the following order:-

The learned counsel for the petitioners is present. The petitioners have come forward with this petition seeking to condone delay of 1381 days in representing the S.A.(MD)SR.No.36909 of 2013.

2.The 1st petitioner states that he has filed the second appeal in time against the judgment and decree passed in A.S.No.42 of 2007, on the file of the District Judge, Kanyakumari at Nagercoil and the same was returned to rectify the errors on 26.08.2013. As there was few errors in the cause title, the petitioners filed I.A.No.118 of 2007 in A.S.No.42 of 2017 before the First Appellate Court seeking corrections and the same was ordered on 16.06.2017. Thus, the delay has occurred in representing the S.A.(MD)SR.No.36909 of 2013. The delay is neither willful nor wanton.

3.Considering the reasons stated by the petitioners and delay occurred in the circumstances stated above, this Court is inclined to entertain the petition, on conditions.



4. Accordingly, this petition is allowed on condition that the petitioners pay a sum of Rs.1000/- (One Thousand Only) to the High Court Legal Services Authority Committee on or before 20.10.2017, failing which, this petition for condoning the delay shall stand automatically dismissed.

5. The Registry is directed to number the appeal, if the papers are otherwise in order and the post the same in usual course.

sd/-
06/10/2017

/ TRUE COPY /

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

TO

- 1 THE DISTRICT JUDGE
KANYAKUMARI AT NAGERCOIL
- 2 THE I ADDITIONAL DISTRICT SUBORDINATE JUDGE
NAGERCOIL

Copy to:

1. THE AUTHORISED OFFICER,
THE LEGAL SERVICES AUTHORITY COMMITTEE
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
2. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CMP (MD) No.9095 of 2017
IN
SA (MD) No.SR36909 of 2013
Date :06/10/2017

psd/vs
SH/PM-PN/SAR-1:23.10.2017: 3p/5C