



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

Monday, the Second day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.1562 of 2018
IN
SA(MD) No.SR17426 of 2016

1 S.RAJENDRAN
2 S.JEYAKUMAR
3 CHITHRAVELU
4 S.RAJAJI
5 S.SUDHAKARAN
6 SIVAKARAN

... PETITIONERS/APPELLANTS

Vs

1 NALLATHAMBI RAJENDRAN
2 H.BASMEERKHAN

... 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 599 days in representation in above SA(MD) SR.17426 of 2016.

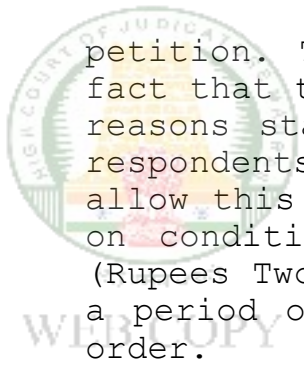
Prayer in SA(MD)SR.17426 of2016:-

Memorandum of Second Appeal against the Judgment and Decree in A.S.No.10 of 2015 dated 27.10.2015 passed by Subordinate Judge, Devakottai confirming the judgment and decree of the District Munsif Court, Devakottai in O.S.No.113 of 2012 dated 05.12.2014.

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.G.S.ASHOK ADHITHYAN, Advocate for the petitioner and of M/S.G.THIRUVARUT SELVAN, Advocate for R1 and the second respondent not appeared either in person or by an advocate the court made the following order:-

This petition is filed to condone the delay of 599 days in representing the above appeal papers preferred against the judgment and decree in A.S.No.10 of 2010 dated 27.10.2015 passed by the learned Subordinate Judge, Devakotai, confirming the judgment and decree of the District Munsif Court, Devakottai in O.S.No.113 of 2012, dated 05.12.2014.

2.It is stated in the affidavit filed in support of this petition that the bundles in advocate office got mixed up and that the bundles were traced only about two days before filing this



petition. Though the reasons are not satisfactory, considering the fact that the delay is only in re-presenting the papers and that the reasons stated in the affidavit are not seriously disputed by the respondents by filing a counter affidavit, this Court is inclined to allow this petition on terms. As a result, this petition is allowed on condition that the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Counsel for the respondents within a period of two weeks from the date of receipt of a copy of this order.

4.Registry is directed to number the appeal, if the papers are otherwise in order, after showing proof for payment.

sd/-

02/04/2018

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,DEVAKOTTAI.

2 THE DISTRICT MUNSIF,DEVAKOTTAI.

COPY TO: THE SUB ASSISTANT REGISTRAR,
A.E. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

CMR

CSL/CM-VR/SAR-IV/09.04.2018 :2P/4C

ORDER

IN

CMP(MD) No.1562 of 2018

IN

SA(MD) No.SR17426 of 2016

Date :02/04/2018