



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

Wednesday, the Fourth day of April Two Thousand Eighteen

PRESENT

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

CMP (MD) No.1673 of 2018
IN
SA (MD) No.SR3052 of 2018

1 CHINNASAMY
2 ESAKKI MUTHU

... PETITIONERS/APPELLANTS

Vs

1 GURUSAMY
2 MURUGA BOOPATHI

... 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 992 days in filing the Second Appeal on file and thus render justice.

Prayer in SA(MD)No.SR3052 of 2018 :

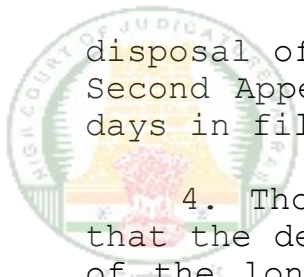
To set aside the judgment and decreed, passed in A.S.No.62/2011 dated 06.02.2015, on the file of the Sub Court, Sankarankovil by confirming the judgment and decree passed in O.S.No.57 of 2010, dated 27.01.2011, on the file of the Principal District Munsif, Court, Sankarankovil.

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.F.X.EUGENE, Advocate for the petitioners and of MR.R.J.KARTHICK, Advocate on behalf of the Respondents the court made the following order:-

This petition is filed to condone the delay of 992 days in filing the above Second Appeal.

2. The learned counsel appearing for the respondents has no serious objection to allow this petition.

3. In the affidavit filed in support of this petition, the learned counsel appearing for the petitioners has averred that the petitioners could not contact their counsel after disposal of the case by the lower Appellate Court as the petitioners had gone to Kerala for their livelihood. It is further stated that the petitioners did not intimate to his counsel about his temporary address in Kerala. For the above said reason, the petitioners state that they were totally un-aware of the disposal of the appeal suit in A.S.No.62 of 2011. When the petitioners came to know the



disposal of the above said Appeal Suit, they have filed the present Second Appeal along with the petition to condone the delay of 992 days in filing the above Second Appeal.

4. Though the delay is inordinate, this Court is able to see that the delay has been satisfactorily explained. However, in view of the long delay, this Court is inclined to allow this petition subject to terms:

5. Accordingly, the delay of 992 days in filing the above Second Appeal is condoned and the petition is allowed on payment of cost of Rs.5,000/- to the learned counsel appearing for the respondents by the petitioners, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court.

sd/-
04/04/2018

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE,
SANKARANKOVIL.
- 2 THE PRINCIPAL DISTRICT MUNSIF,
SANKARANKOVIL.

ORDER
IN
CMP (MD) No.1673 of 2018
IN
SA (MD) No.SR3052 of 2018
Date :04/04/2018

MKV-CM-VR-SAR 4/9.4.2018/2P-3C