



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

Monday, the Sixteenth day of April Two Thousand Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.1755 of 2018

IN

SA(MD) No.351 of 2013

B.RAVICHANDRAN,

... PETITIONER/PROPOSED RESPONDENT

Vs

1 S.R.SUBRAMANIAN,

...RESPONDENT/APPELLANT

2 LUNARAJAN,

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 636 days in filing the restoration of the implead the implead petitioner M.P(MD)No.1/2015 in the S.A.(MD) No.351 of 2013 and thus render justice.

Prayer in MP(MD). 1/ 2015 in SA(MD).351/2013 :

To implead me as a 2nd Respondent in the above said SA(MD) No.351 of 2013 and thus render justice.

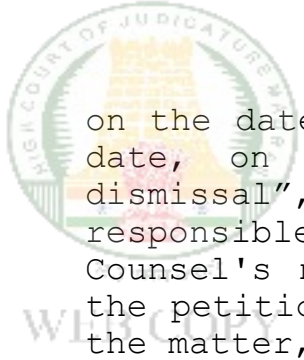
Prayer in SA(MD). 351/ 2013 :

To allow the second appeal and set aside the judgment and decree in A.S.No.68 of 2012 dated 07.12.2012 on the file of Additional Sub-Court, Dindigul reversing the judgment and decree made in O.S.No.34 of 2007 dated 10.07.2012 on the file of Principal District Munsif Court, Dindigul and render justice.

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.C.MASILAMANI, Advocate for the petitioner and of MR.M.V.VENKATESESHAN, Advocate for R1 and MR.H.LAKSHMI SHANKAR, Advocate for R2, the court made the following order:-

This petition is filed to condone the delay of 636 days in filing the restoration of the petition to implead petitioner in second appeal in M.P.(MD)No.1 of 2015 in S.A.(MD)No.351 of 2013.

2.The petitioner has filed an affidavit in support of this petition to explain the delay. Though the petition filed by the petitioner was dismissed for non-appearance of the Counsel on record



on the date, on which the matter was posted and subsequently on the date, on which the matter was listed under the caption "for dismissal", this Court is able to see that the petitioner is not responsible for the delay and the delay was only on account of the Counsel's non-appearance. This Court, taking note of the fact that the petitioner cannot to be blamed fully and taking lenient view of the matter, is inclined to allow this petition on terms.

3.As a result, this petition is allowed on condition that the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand) to the learned Counsel for the first respondent within a period of two weeks from the date of receipt of a copy of this order.

sd/-
16/04/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL SUBORDINATE JUDGE, DINDIGUL
- 2 THE PRINCIPAL DISTRICT MUNSIF
DINDIGUL

ORDER
IN
CMP (MD) No.1755 of 2018
IN
SA (MD) No.351 of 2013
Date :16/04/2018

SMA/PMI/ASVM/19.04.2018:2P/3C