



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

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

CMP(MD) No.11695 of 2017

IN

SA(MD) No.SR33019 of 2017

RUKMANIAMMAL

... PETITIONER/APELLANT

Vs

1 T.V.VISWANATHAN,
2 T.V.SIVANATHA,
3 T.V.SARADHA,
4 M.K.NAGASAMY,

... 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 1649 days in preferring the above SA.

PRAYER IN SA(MD) No.SR33019 of 2017 :

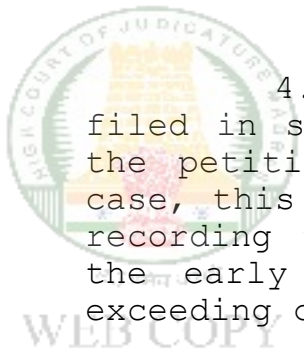
Second Appeal filed Under Section 100 of CPC, praying against the Judgment and Decree passed in AS.No.129 of 2009 dated 12.02.2013 on the file of learned Subordinate Judge, Melur (Camp Court) against the Judgment and Decree passed in O.S.No.403 of 2004 dated 30.04.2009 on the file of learned District Munsif, Melur.

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.S.PON SENTHIL KUMARAN, Advocate for the petitioner and of M/S.M.S.SURESHKUMAR, for Caveator for the Respondents the court made the following order:-

This petition is filed to condone the delay of 1649 days in preferring the above Second Appeal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The reason for the delay stated by the petitioner in the affidavit filed in support of this petition is that the petitioner do not have wherewithal required to meet the litigation expenditure and that therefore, she could not file the Second Appeal immediately after the dismissal of the Civil Revision petition, wherein the petitioner challenged the order dismissing his application to set aside the ex-parte order in the Appeal Suit in A.S.No.129 of 2009. Hereafter, the Second Appeal along with the present petition has been filed.



4. The reasons stated by the petitioner in the affidavit filed in support of this petition inspire this Court in favour of the petitioner. Considering the facts and circumstances of this case, this Court is inclined to allow this petition on terms, after recording the undertaking that the petitioner will co-operate for the early disposal of the Appeal within a reasonable time not exceeding one month.

5. As a result, the petition is allowed on condition that the petitioner pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards costs to the learned counsel for the respondents within a period of two weeks from the date of receipt of a copy of this order.

sd/-
10/01/2018

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, MELUR (CAMP COURT)

2 THE DISTRICT MUNSIF, MELUR

+1. C.C. to M/S.M.S.SURESH KUMAR For caveator SR.No.516

GJM/CSL/RR/SAR-I-18.1.18-2P-4C

ORDER
IN
CMP(MD) No.11695 of 2017
IN
SA(MD) No.SR33019 of 2017
Date :10/01/2018