



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

Friday, the Twenty Third day of March Two Thousand Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.11987 of 2017

IN

SA(MD) No.SR30433 of 2010

1 M.SOMASUNDARAM	... 1 st PETITIONER / 1 st APPELLANT
2 M.MOHANRAM DIED	... 2 nd APPELLANT
3 M.DHANAPAL DIED	... 3 rd APPELLANT
4 M.UDAYASANKAR	
5 M.KARTHTICKEYAN	... 2 nd & 3 rd PETITIONERS/PROPOSED LRS of 2 nd APPELLANT
6 D.BALAMURUGAN	
7 D.BALAJI	...4&5 PETITIONERS/ PROPOSED LRS of 3 rd APPELLANT

Vs

1 ARULMIGU MEENAKSHI SUNDARESWARAR DEVASTHANAM, THRO.ITS EXECUTIVE OFFICER, AT ADI VEETHI MADURAI.	... 1 st RESPONDENT / 1 st RESPONDENT
2 R.G.GIRIDHARAN	
3 R.G.BASKARAN	...2 to 4 RESPONDENTS / 2 to 4 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 2642 days that has occurred in Representing the Returned Appeal papers in SA.S.R.No. 30433 of 2010 before this Honourable Court.

PRAYER IN SA(MD) No.SR30433 of 2010:-

Memorandum of Second Appeal against the Decree and Judgment passed in A.S.No.152 of 2009 dated 05.03.2010 by the Principal Sub Court at Madurai, Reversing the Decree and Judgment passed in O.S.No.1781 of 1996 passed by the Principal District Munsif Court at Madurai dated 28.11.2007.

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.S.RAMESH ALIAS RAMIAH, Advocate for the petitioner and of Mr.T.R.SUBRAMANIAN, Advocate for R2, and R1 and R3



not appeared either in person or by an Advocate, on behalf of the Respondents the court made the following order:-

This petition is filed to condone the delay of 2642 days in representing the papers in the above second appeal as against the decree and judgment passed in A.S.No.152 of 2009 dated 05.03.2010 by the Principal Sub Court at Madurai, reversing the decree and judgment passed in O.S.No.1781 of 1996 passed by the Principal District Munsif Court at Madurai, dated 28.11.2007.

2.Though notice was served on all the respondents, the first respondent who is the contesting respondent has neither filed any counter nor appeared before this Court through Counsel or in person to oppose this petition. It can be seen that the delay is inordinate and this Court considered the reasons stated in the affidavit filed in support of this petition. It is stated that the delay in representing the papers is due to the fact that the papers which were returned got misplaced and mixed up with the bundles in the advocate's office and that therefore the papers cannot be represented in time. The facts narrated in the affidavit filed in support of this petition cannot be ignored totally. Having regard to the facts narrated by the petitioner, this Court is able to see that the explanation, on the basis of averments found in the affidavit, can be accepted. Having regard to facts and circumstances of this case, this Court is inclined to allow this petition on terms. As a result, this petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand) to the Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of three weeks from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to Court.

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

sd/-

23/03/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
MADURAI

2 THE PRINCIPAL DISTRICT MUNSIF,



COPY TO:-

1. THE SECTION OFFICER,
ACCOUNTS SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

2. THE SUB ASSISTANT REGISTRAR,
A.E SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

CMR

JAM/04/04/2018/ PN / SAR 4 / 3P-5C

ORDER

IN

CMP (MD) No.11987 of 2017

IN

SA (MD) No.SR30433 of 2010

Date :23/03/2018