



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

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

CMP(MD) No.11991 of 2017

IN

CMP(MD) No.8274 of 2017

IN

AS(MD) No.SR39729 of 2016

THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BOARD,
THANJAVUR.

... PETITIONER/PETITIONER/APELLANT

Vs

NANDAKUMAR

... RESPONDENT/RESPONDENT/RESPONDENT

Prayer in CMP(MD) . 11991/ 2017 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order and to restore the above C.M.P.(MD).No.8274 of 2017 in A.S.(MD).No.SR.39729 of 2016 and thus render justice.

Prayer in CMP(MD) . 8274/ 2017 :

To condone the delay of 319 days in paying the deficit court fee of Rs. 2200 pending disposal of the above appeal suit.

Prayer in A.S. (MD) .No.SR.39729 of 2016 :

To set aside the judgment and decree passed in O.S.No.88 of 2014 on the file of the Hon'ble Principal District Court, Thanjavur dated 30.04.2015 and pass such other orders as this Hon'ble court.

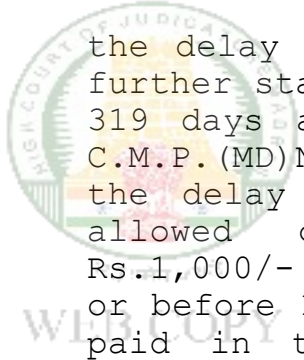
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.MOHAN BABU, Advocate for the petitioner and of MR.S.RAJA PRABHU, Advocate on behalf of the Respondent the court made the following order:-

This petition is filed to set aside the order and to restore the petition in C.M.P.(MD)No.8274 of 2017 in A.S.(MD)No.SR39729 of 2016.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner states that he filed an application in C.M.P.(MD)No.11313 of 2016 in A.S.(MD)No.SR39729 of 2016 to condone



the delay in filing the Appeal and the petition was allowed. He further states that the deficit Court fee was paid with the delay of 319 days and that therefore, the petitioner filed a petition in C.M.P. (MD) No. 8274 of 2017 in A.S. (MD) No. SR39729 of 2016 to condone the delay in paying the deficit Court fee and the petition was allowed on 05.10.2017 subject to payment of cost of Rs. 1,000/- to the Legal Services Authority attached to this Court on or before 12.10.2017 with a default clause. Since the cost was not paid in time, the petition stands dismissed. Thereafter the petitioner has paid the cost and filed the present petition to set aside the order and to restore the Appeal.

4. Since this Court is convinced that non-compliance of the direction is neither willful nor wanton, this petition is allowed.

sd/-
03/01/2018

/ TRUE COPY /

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

TO

THE PRINCIPAL DISTRICT JUDGE,
THANJAVUR

ORDER IN
CMP (MD) No. 11991 of 2017 IN
CMP (MD) No. 8274 of 2017 IN
AS (MD) No. SR39729 of 2016
Date : 03/01/2018

MKV-PM-PN-SAR 1/8.1.2018/2P-2C