



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

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

CMP(MD) No.12094 of 2017

IN

SA(MD) No.SR39643 of 2009

THE SPECIAL TAHSILDAR (LA)

ADI DRAVIDAR WELFARE, TAMARAIKULAM,

PERRIYAKULAM, VAIGAI DISTRICT .

... PETITIONER / APPELLANT

Vs

1 S.NAGAMMAL

2 S.MURUGAN

3 S.CHINRAJ

4 C.LAKSHMANAN

5 K.RAJENDRAN

6 K.KUMAR

7 S.PALANISAMY

8 S.KANDASAMY

... 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 734 days in filing the above Second Appeal.

PRAYER IN SA(MD) No.SR39643 of 2009:-

to prefer this Memorandum of Grounds of Second Appeal against the Judgement and decree dated 02.01.2007 made in L.A.C.M.A.No.6 of 1997 on the file of the Sub-Ordinate Judge, Periyakulam which was filed against the Award No.11/95-96 dated 26.03.1996 by the Special Tahsildar, ADW, Periyakulam.

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.R.VELMURUGAN, Government Advocate for the petitioner and of Mr.B.JEYAKUMAR, Advocate for R3 to R7, R1 not appeared either in person or by an Advocate, the court made the following order:-

This petition is filed to condone the delay of 734 days in filing the above second appeal as against the judgment and decree of the lower Court, which is filed under Section 12 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978.

2.Heard the learned Additional Government Pleader appearing for the petitioner and the learned counsel appearing for the respondents.



3.It is unfortunate that though the appeal was filed in the year 2009, there is a huge delay in following up the case. However, this Court is convinced with the reasons stated in the affidavit filed in support of this petition and this Court also find that serious prejudice has been caused to the other side on account of the huge delay in moving this appeal.

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4.Considering the over all circumstances of the case, this Court is inclined to allow this petition on terms.

5.As a result, this petition is allowed and delay is condoned on condition that the petitioner / appellant pays a sum of Rs.5,000/- [Rupees Five Thousand only] to the Legal Services Authority, attached to this Bench 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 further reference to this Court.

sd/-

02/01/2018

/ TRUE COPY /

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

TO

1 THE SUB-ORDINATE JUDGE,
PERIYAKULAM

2. THE SPECIAL TAHSILDAR, ADW,
PERIYAKULAM.

COPY TO:-

THE AUTHORIZED OFFICER,
LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

JAM/09/01/2018/CM-VR/ SAR 1 / 2P-4C

ORDER

IN

CMP(MD) No.12094 of 2017

IN

SA(MD) No.SR39643 of 2009

Date :02/01/2018