



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

Monday, the Second day of April Two Thousand Eighteen

PRESENT

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

CMP(MD) No.12104 of 2017

IN

SA(MD) No.SR7557 of 2017

1 C.VENKATACHALAPATHY

2 C.MANIKANDAN

... PETITIONERS/APPELLANTS

Vs

1 G.ARUMUGAPERUMAL

2 A.MUTHULAKSHMI

... 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 286 days in filing the SA.SR.(MD) No.7557 of 2017 and thus render justice.

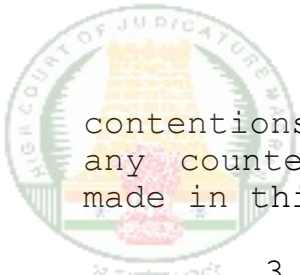
PRAYER IN SA(MD) No.SR7557 of 2017

To set aside the judgment and decree passed in A.S.No.23 of 2015 on the file of the Sub Court, Kovilpatti dated 05.02.2016 reversing the judgment and decree passed in O.S.No.126 of 2014 on the file of the District Munsif Court, Kovilpatti dated 07.04.2015.

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.T.SELVAN, Advocate for the petitioners and of MR.DEVARAJ, Advocate on behalf of the Respondents, the court made the following order:-

This petition is filed to condone the delay of 286 days in filing the above appeal preferred against the judgment and decree passed in A.S.No.23 of 2015 on the file of the Sub Court, Kovilpatti, dated 05.02.2016 reversing the judgment and decree passed in O.S.No.126 of 2014 on the file of the District Munsif Court, Kovilpatti, dated 07.04.2015.

2.It is stated in the affidavit filed in support of this petition that on account of the ill health, the petitioners could not take steps to file the above second appeal in time. Though the petitioners have not produced any materials to prove their



contentions, the learned Counsel for the respondents have not filed any counter affidavit, seriously disputing the factual assertion made in this petition.

3. Having regard to the fact that the reasons stated in the affidavit for the delay of 284 days in filing the above second appeal is not seriously disputed, this Court is inclined to allow this petition on terms. As a result, this petition is allowed on condition that the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Counsel for the respondents within a period of two weeks from the date of receipt of a copy of this order.

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

sd/-
02/04/2018

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, KOVILPATTI.

2 THE DISTRICT MUNSIF, KOVILPATTI.

COPY TO : THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.12104 of 2017
IN
SA(MD) No.SR7557 of 2017
Date :02/04/2018

PK/CM-VR/SAR-1/05.04.2018 : 2P/4C