



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

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

CMP(MD) No.964 of 2018

IN

SA(MD) No.SR20282 of 2016

C.WILSON

... PETITIONER/APPELLANT

Vs

PRISCILLA KUMARI

... RESPONDENT/RESPONDENT

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 619 days in representing the Second Appeal SA.SR(MD).No.20282 of 2016.

PRAYER IN SA(MD) No.SR20282 of 2016:

To set aside the decree and judgment in A.S.No.72 of 2013 dated 18.11.2015 on the file of the Subordinate Judge, Kuzhithurai reversing the judgment and decree in O.S.No.137 of 2009 dated 12.08.2011 on the file of the First Additional District Munsif, Kuzhithurai, thereby to restore the judgment and decree of the trial Court in O.S.No.366 of 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.D.NAVEEN DURAI BABU, Advocate for the petitioner and the court made the following order:-

This petition is filed to condone the delay of 619 days in representing the above Second Appeal.

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

3. The reasons stated in the affidavit filed in support of this petition is that the back-papers in the Second Appeal were misplaced and that therefore, the delay had occurred. It is not known as to why the back-papers in the Second Appeal are required after filing of the Second Appeal. Though the reasons stated by the petitioner are therefore considering the fact that the delay cannot be attributed to the conduct of the petitioner, this Court is inclined to allow this petition subject to terms.



4. Hence, the petition is allowed and the delay in representing the Second Appeal is condoned subject to condition that the petitioner pays a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs to the credit of **Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai**, within a period of two weeks from the date of receipt of a copy of this order.

sd/-
07/02/2018

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE
KUZHITHURAI, KANYAKUMARI DISTRICT
- 2 THE I ADDITIONAL DISTRICT MUNSIF
KUZHITHURAI, KANYAKUMARI DISTRICT.

Copy to:

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

ORDER
IN
CMP (MD) No.964 of 2018
IN
SA (MD) No.SR20282 of 2016
Date :07/02/2018

pmu
SH/RR-CSL/SAR-2:14.02.2018:2P/4c