



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

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

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

CMP (MD) No.2206 of 2017

IN

AS (MD) No.SR19774 of 2016

THE SPECAIL TAHSILDAR
(LAND ACQUISITION),
MADURAI SOUTH RURAL SCHEME,
MADURAI-20.

... PETITIONER/APPELLANT

Vs

SETHURAMAN (DIED)

- 1.S.ALAGAMMAI,
- 2 S.MAIYAPPAN
- 3 S.MAIYAMMAI
- 4 M.VISALACHI

5 THE EXECUTIVE ENGINEER
THE ADMINISTRATIVE OFFICER,
TAMILNADU HOUSING BOARD,
ELLIES NAGAR, MADURAI-10.

... RESPONDENTS/RESPONDENTS

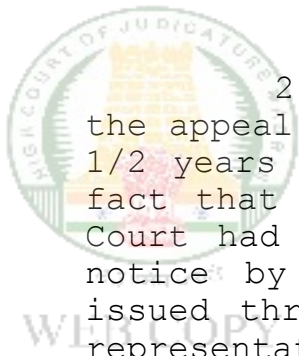
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 596 days to file appeal against L.A.O.P.No.17 of 2010 dated 17.02.2014 on the file of the II Additional Subordinate Judge, Madurai.

PRAYER IN AS (MD) No.SR19774 of 2016:

Memorandum of Grounds of Regular Appeal to this Hon'ble Court against the Judgment and Decree passed by Learned II Additional Subordinate Court, Madurai in L.A.O.P.No.17 of 2010 dated 17.02.2014.

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.AAIYRAM K.SELVAKUMAR, Additional Government pleader for the petitioner and of Mr.R.JANARTHANAN, Advocate for R5 and R1 to R4 not appeared in person or by an Advocate the court made the following order:-

This petition is filed to condone the delay of 596 days in filing the appeal suit against the L.A.O.P.No.17 of 2010 dated 17.02.2014 on the file of the II Additional Subordinate Judge, Madurai.



2.This petition has been filed in the year 2016 along with the appeal and unnecessarily, the matter is pending for more than 1-1/2 years because of delay in serving the notice. Considering the fact that the notice could not be issued to the respondents, this Court had directed the learned Special Government Pleader to take notice by paper publication. Accordingly, the notice was also issued through the paper publication on 23.06.2018. There is no representation for the contesting respondents and hence, this Court has no option but to dispose of the application on merits.

3.It is seen that the delay is due to administrative reasons and it is not so long. Hence, this Court is inclined to allow the petition on term and accordingly, the delay of 596 days in filing the above appeal is condoned, subject to the condition that the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) to the Legal Aid Service Authority, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order.

4.This petition is allowed accordingly.

sd/-
10/07/2018

/ TRUE COPY /

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

TO

THE II ADDITIONAL SUBORDINATE JUDGE, MADURAI.

COPY TO : THE AUTHORISED OFFICER,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/JC/ASVM/16.7.18-2P-3C

ORDER
IN
CMP (MD) No.2206 of 2017
IN
AS (MD) No.SR19774 of 2016
Date :10/07/2018