



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

Wednesday, the Eleventh day of July Two Thousand Eighteen

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PRESENT

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

CMP(MD) No.2208 of 2017
IN
AS(MD) No.SR19790 of 2016

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

... PETITIONER / APPELLANT

Vs

1 GURUVAMMAL

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

... RESPONDENTS/RESPONDENTS

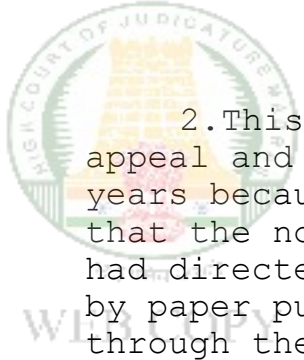
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 667 days to file appeal against L.A.O.P.No.18 of 2010 dated 17.02.2014 on the file of the II Additional Subordinate Judge, Madurai.

PRAYER IN AS(MD) No.SR19790 of 2016

To set aside the Decree and Judgment in L.A.O.P.No.18 of 2010 dated 17.02.2014. Passed by the Learned II Additional Sub - Court, Madurai.

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.AAYIRAM K SELVAKUMAR GOVT PLEADER, Advocate for the petitioner and of Mr. JANARTHANAN, Advocate for R2, the court made the following order:-

This petition is filed to condone the delay of 667 days in filing the appeal suit against the L.A.O.P.No.18 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 2017 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 respondent 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 terms and accordingly, the delay of 667 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/-
11/07/2018

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

RMK

TO

- 1 THE SPECIAL TAHSILDAR
(LAND ACQUISITION),
MADURAI SOUTH RURAL SCHEME,
MADURAI 20.
- 2 THE REVENUE DIVISIONAL OFFICER
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to GOVT PLEADER Advocate SR.No.12649



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ORDER
IN
CMP (MD) No.2208 of 2017
IN
AS (MD) No.SR19790 of 2016
Date :11/07/2018

TK/MMS/VK:20/07/2018:3P/5C