



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

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

CMP(MD) No.4754 of 2017

IN

SA(MD) No.SR14350 of 2015

1 KARUPPI
2 PERUMAL
3 GURUVAMMAL
4 VALLIKANNU

... PETITIONERS 1to4/APPELLANTS 1to4

Vs

1 RAJASEKAR
2 RAJAKUMAR
3 LATHA KARPAGAM

... RESPONDENTS 1to3/RESPONDENTS 1to3

4 DEIVU W/O.MARIAAPPAN
5 BALAMURUGAN

... RESPONDENTS 4&5/RESPONDENTS 4&5

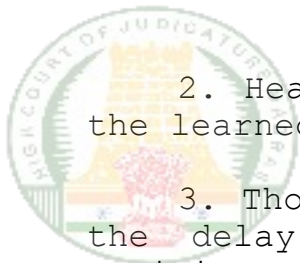
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 620 days that has occurred in Representing the above Appeal Papers in S.A.S.R.No.14350 of 2015 and pass such orders or other suitable Orders which the Honourable Court may in the circumstances of the case may deem fit and proper and thus render justice.

PRAYER IN SA(MD) No.SR14350 of 2015 :

To against the Decree and Judgement passed by the 1st Appellate Court, Dismissing the 1st Appeal filed by the Appellants in A.S.No.43 of 2014, by the Sub Court, Sankarankoil on 29.10.2014, Confirming the Decree and Judgement granting Decree in favour of Respondents 1 to 4 by the Trial Court in O.S.No.317 of 2010 passed by the Additional District Munsif Court on 22.11.2013.

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.S.RAMESH ALIAS RAMIAH, Advocate for the petitioner and of M/S.M.P.SENTHIL Advocate for R1 to R3, and the R4 and R5 not appeared in person or by an Advocate, the court made the following order:-

This petition is filed to condone the delay of 620 days that has occurred in representing the above Appeal papers in S.A.S.R. No.14350 of 2015.



2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for respondents 1 to 3.

3. Though the delay is inordinate, this Court is convinced that the delay has been reasonably and properly explained by the petitioners in the affidavit filed in support of this petition. It is stated that the returned papers got mixed with other bundles in the Advocate's Office and that therefore, the papers could not be re-presented within time before this Court.

4. Learned counsel for the respondents has no serious objection. However, this Court find that substantial prejudice has been caused to the respondents.

5. Though notice was served on the fourth respondent, there was no representation. The notice was issued to the fifth respondent and it was returned with an endorsement as "Door Locked".

6. Having regard to the nature of dispute and facts and circumstances of this case, this Court is inclined to allow the petition on terms.

7. As a result, the petition is allowed and the delay of 620 days in representing the above Second Appeal is condoned, subject to the condition that the petitioners pay a sum of Rs.1,000/- (Rupees One Thousand only) to the respondents who have entered appearance within a period of two weeks from the date of receipt of a copy of this order.

sd/-
05/01/2018

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, SANKARANKOIL

2 THE ADDITIONAL DISTRICT MUNSIF, SANKARANKOIL

ORDER
IN
CMP(MD) No.4754 of 2017
IN
SA(MD) No.SR14350 of 2015
Date :05/01/2018

PK/RR/SAR-1/11.01.2018 : 2P/3C