



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

Tuesday, the Eleventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.3614 of 2018

IN

SA(MD)SR.No.8074 of 2018

1 THE EXECUTIVE OFFICER,
THIRPARAPPU SELECTION GRADE TOWN PANCHAYAT,
THUMBAKODU, KULASEKARAM POST,
THUMBAKODU VILLAGE, KALKULAM TALUK,
KANAYAKUMARI DISTRICT.

2 THE PRESIDENT
THIRPARAPPU TOWN PANCHAYAT,
THUMBAKODU, KULASEKARAM POST,
THUMBAKODU VILLAGE, KALKULAM TALUK,
KANAYAKUMARI DISTRICT.

... PETITIONERS/ APPELLANTS

Vs

V.RAVIKUMAR

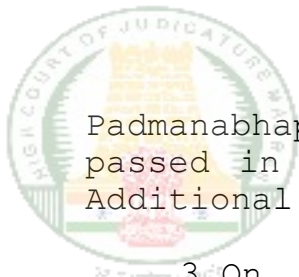
... RESPONDENT/ PLAINTIFF

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 1460 days in filing of the Second Appeal against the decree and Judgment passed in AS.No.20 of 2013 dated 26.11.2013 on the file of the Sub Court, Padmanabhapuram which was filed against the decree and judgment passed in O.S.No.270 of 2007 dated 28.1.2013 on the file of the Additional District Munsif Court, Padmanabhapuram, and thus render justice.

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.K.P.KRISHNADOSS, Advocate for the petitioners and of Mr.N.G.A.NATRAJ, Advocate on behalf of the Respondent, the court made the following order:-

Heard Mr.K.P.Krishnadoss, learned counsel appearing for the petitioners and Mr.N.G.A.Natraj, learned counsel appearing for the respondent.

2.This petition is filed to condone the delay of 1460 days in filing the second appeal against the decree and judgment passed in A.S.No.20 of 2013 dated 26.11.2013 on the file of the Sub Court,



Padmanabhapuram which was filed against the decree and Judgment passed in O.S.No.270 of 2007 dated 28.01.2013 on the file of the Additional District Munsif Court, Padmanabhapuram.

3. On the side of the petitioners, it is stated that the petitioners came to know about the case only after the second petitioner resumed charge as President in Thriupparapu Town Panchayat. That is the reason for the delay of 1460 days in filing the appeal and prayed to allow this petition.

4. On the side of the respondent, it is stated that the petitioners are trying to file appeal against the concurrent findings of the lower Court and if the present petition is allowed, the respondent will be put into irreparable loss and prejudice will be caused to the respondent.

5. Records perused. Each day delay is to be explained. It is stated that the property belonged to the Government and is being enjoyed by the Panchayat and if the delay is not condoned, there will be a chance for the loss of the public property.

6. In the above circumstances, an opportunity to the petitioner is to be given in the interest of justice. Hence, this petition is allowed on condition of payment of cost of Rs.5,000/- (Rupees Five Thousand only) to the respondent on or before 20.09.2018. For compliance on 25.09.2018.

sd/-

11/09/2018

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

TO

1. THE SUBORDINATE JUDGE, PADMANABHAPURAM.
2. THE ADDITIONAL DISTRICT MUNSIF,
PADMANABHAPURAM.

ORDER IN
CMP(MD) No.3614 of 2018
IN
SA(MD) SR.No.8074 of 2018
Date :11/09/2018

MS/VR-MMS/SAR-2/17.09.2018/2P.3C