



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP (MD) No.10464 of 2018

IN

AS (MD) No.SR.36052 of 2018

S.KUMAR

... PETITIONER/ APPELLANT

Vs

T.KILITUS

... RESPONDENT/ RESPONDENT

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 823 days in filing the above appeal before this Honourable Court and thus render justice.

PRAYER IN AS (MD) No.SR.36052 of 2018:

To set aside the judgment and decree dated 26.02.2016 passed in O.S.No.76 of 2015 on the file of the District Judge, Kanyakumari District at Nagercoil, and allow the present appeal.

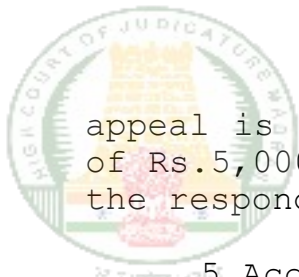
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.NANDAKUMAR, Advocate for the petitioner and of Mr.T.SELVAM, Advocate on behalf of the Respondent, the court made the following order:-

This application has been filed for seeking to condone the delay of 823 days in filing the appeal.

2.According to the petitioner, he is working as a coolie in Saudi Arabia and he has not aware of the exparte decree. After coming to know about the execution petition, he has made certain payments towards the decree. The said statement of fact was denied by the respondent in his counter.

3.The learned counsel for the petitioner has produced a Passport copy of the petitioner. But the same does not contain the relevant pages indicating the fact that he is residing in Saudi Arabia. The learned counsel has also produced a receipt to evidence certain payments having been made after the decree.

4.Considering the reasons stated in the affidavit filed in support of the petition, the delay of 823 days in filing the above



appeal is condoned on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand only) to the learned counsel for the respondent herein within a period of two weeks from today.

5. Accordingly, this petition is allowed.

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6. Registry is directed to number the appeal on production of receipt for payment of costs and post the other miscellaneous petitions.

sd/-

15/11/2018

/ TRUE COPY /

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

TO
THE DISTRICT JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

COPY TO:

THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.10464 of 2018
IN
AS (MD) No.SR.36052 of 2018
Date :15/11/2018

MS/VR-MMS/SAR-4/19.11.2018/2P.3C