



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

Thursday, the Twenty First day of June Two Thousand Eighteen

WEB COPY

PRESENT

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

**CMP(MD) No.5087 of 2018
IN SA(MD) No.SR49065 of 2011**

1 THE SUB POST MASTER
ALANGULAM POST OFFICE,
ALANGULAM, TIRUNELVELI DISTRICT.

2 THE SENIOR SUPERINTENDENT OF POST OFFICES,
KOVILPATTI DIVISION, KOVILPATTI,
TUTICORIN DISTRICT.

3 THE UNION OF INDIA
THROUGH ITS SECRECTARY,
POSTS AND TELEGRAPH DEPARTMENT,
MINISTRY OF COMMUNICATION,
NEW DELHI.

... PETITIONERS/APELLANTS

Vs

THE ALANGULAM AGRICULTURAL CO OPERATIVE BANK LTD,
THROUGH ITS SECRETARY HAVING OFFICE AT
MAIN ROAD, ALANGULAM,
THIRUNELVELI DISTRICT.

... RESPONDENT/RESPONDENT

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 1987 days in the paying the deficit court fee of Rs.1203.21 in the S.A.S.R.No.49065 of 2011 and thereby render justice.

PRAYER IN S.A.S.R.No.49065 of 2011:

To set aside the judgment and decree dated 30.10.2010 passed in A.S.No.22 of 2010 on the file of the Principal District Judge, Tirunelveli reversing the Judgment and decree dated 26.08.2008 passed in O.S.No.130/2006 on the file of the Pricipal Subordinate Judge, Tenkasi.

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.V.KATHIRVELU, Senior counsel Assisted by Mr.K.R.LAXMAN, Advocate for the petitioner and of the Respondent not appeared either in person or by an Advocate on behalf of the



Respondent, the court made the following order:-

This petition is filed to condone the delay of 1987 days in paying the deficit court fee of Rs.1203.21 in the above appeal.

2.The learned Senior Counsel appearing for the petitioners submitted that though the delay is inordinate, it is on account of some defects in calculation. Further, he submitted that no prejudice is likely to be caused to the respondent.

3.Considering reasons stated in the affidavit filed in support of this petition and in view of the inordinate delay, this Court is inclined to allow this petition on terms.

4.As a result, the delay is condoned and the petition is allowed on condition that the petitioner pays a sum of Rs.2,000/- (Rupees Two Thousand) to the credit of Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to Court.

5.Registry is directed to number the second appeal, if the papers are otherwise in order after showing proof for payment.

sd/-

21/06/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI.

2 THE PRINCIPAL SUBORDINATE JUDGE, TENKASI.

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

COPY TO : THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.5087 of 2018
IN
SA (MD) No.SR49065 of 2011
Date :21/06/2018