



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

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.5416 of 2018

IN

SA(MD) No.SR6227 of 2016

JOSEPH RAJ

... PETITIONER / APPELLANT

Vs

MUTHIAH NADAR (DIED)

JOSE

... 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 584 days in representing the above SA.SR.No.6223 of 2016 and thus render justice.

PRAYER IN SA(MD) No.SR6227 of 2016:-

to set aside the Judgment and Decree of the Lower Appellate Court dated 10.02.2003 passed in A.S.No.25 of 2000 on the file of the Subordinate Judge, Padmanabhapuram, reversing the judgment and Decree of the Trial Court dated 22.07.1998 passed in O.S.No.671 of 1994 on the file of the Principal District Munsif, Padmanabhapuram, and allow the present Second Appeal 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.M.R.SRINIVASAN, Advocate for the petitioner and the court made the following order:-

This petition is filed to condone the delay of 584 days in representing the above appeal papers.

2.Though the petitioner has stated some reasons in the affidavit filed in support of this petition, this Court find that the delay could have been avoided, if due diligence is shown. Having regard to facts and circumstances of this case, this petition is allowed on condition that the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand) 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, failing which, this petition shall automatically be dismissed without further reference to Court.



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

sd/-
28/06/2018

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/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE,
PADMANABHAPURAM
- 2 THE PRINCIPAL DISTRICT MUNSIF,
PADMANABHAPURAM

COPY TO:-

1. THE AUTHORIZED OFFICER,
LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- 2 THE SUB-ASSISTANT REGISTRAR,
A.E SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

CMR
JAM/03/07/2018/ JC /GSR/ 2P-5C

ORDER
IN
CMP (MD) No.5416 of 2018
IN
SA (MD) No.SR6227 of 2016
Date :28/06/2018