



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

Friday, the Twenty Seventh day of July Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.SUNDAR

CMP(MD) No.6940 of 2018

IN

SA No.1081 of 2002

N.P.V. RAMAMURTHY (DIED)

1.N.R. NARPAVI

2.N.R. BALACHANDRAN

3.N.R. VIJAYALAKSHMI

...PETITIONERS/PETITIONERS/
APPELLANTS

Vs

1.YOGALAYA MITHRA SANGHAM

KUMBAKONAM TOWN & MUNSIFI, REP. BY ITS PRESIDENT,

A. SHANMUGHAM,

2.MASTER C.V.V. YOGA TRUST

REP. BY ITS TRUSTEE,

A. SHANMUGHAM,

... RESPONDENTS/ RESPONDENTS/
RESPONDENTS

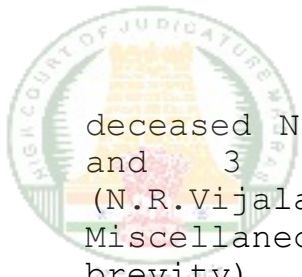
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 3690 days in representing M.P.S.R.Nos.21763 to 21765 of 2008 in S.A.No.1081 of 2002 and thus render justice.

PRAYER IN SA No.1081 of 2002:

The appellants above named beg to file this memorandum of grounds of second appeal against the decree and judgment of the Additional Subordinate Judges Court, kumbakonam passed in A.S. 93/2000 dated 20.12.2001 reversing the decree and judgment of the principal District Munsif Court, kumbakonam passed in O.S.No.408 of 1995 dated 25.04.2000.

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.S.PRABHU, Advocate for the petitioners and of Mrs.K.ANGAYARKANNI, Advocate for the Respondents the court made the following order:-

Pending second appeal, first appellant, ie., N.P.V.Ramamurthy, son of N.R.P.Venkatachalapathy, died on 02.06.2007, necessitating the co-appellants, ie., appellants 2 and 3 to take steps along with



deceased N.P.V.Ramamurthy's daughter. In other words, appellants 2 and 3 along with deceased N.P.V.Ramamurthy's daughter (N.R.Vijalakshmi) are petitioners 1 to 3 in the instant 'Civil Miscellaneous Petition' (herein after referred to as 'CMP' for brevity).

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2. There are two respondents in the main second appeal and respondents 1 and 2 in the main second appeal are respondents 1 and 2 respectively, in the instant CMP.

3. Necessary application was filed on 30.04.2008, but it was returned for certain defects. Thereafter, it is averred that the bundle was misplaced in the Counsel's office, which has resulted in delay in re-presentation. In the aforesaid circumstances, the instant CMP has been taken out with the following prayer:

'For the reasons stated in the accompanying affidavit it is prayed that this Honourable Court may be pleased to condone the delay of 3690 days in representing MP.SR.Nos.21763 to 21765 of 2008 in S.A.No.1081 of 2002 and thus render justice.'

4. I have heard Mr.MRS.Prabhu, learned Counsel for petitioners in the instant CMP and Mrs.K.Angayarkanni learned Counsel, representing the Counsel on record for respondents.

5. Learned Counsel for respondents points out that the delay is too long and it would only be proper and fair to put the petitioners on some terms. Learned Counsel for petitioners very fairly submits that he will contribute Rs.6,000/- to the Hon'ble Chief Justice's Relief Fund.

6. I have perused the affidavit filed in support of the instant CMP and I have heard both the learned Counsel. In the light of the facts and circumstances, particularly, in the light of the fact that petition was originally filed on 30.04.2008 itself and in the light of the fair stand taken today, it is only appropriate that this petition is allowed on condition that petitioners pay a sum of Rs.6,000/- to the Hon'ble Chief Justice's Relief Fund, within a fortnight from today, ie., on or before 10.08.2018, Friday.

7. The instant CMP is ordered on above terms.

8. Call on 13.08.2018, Monday.

sd/-
27/07/2018

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



TO

1. THE ADDITIONAL SUBORDINATE JUDGES COURT, KUMBAKONAM

2. THE PRINCIPAL DISTRICT MUNSIF COURT, KUMBAKONAM.

copy to:

THE SECTION OFFICER, (CHIEF JUSTICE RELIEF FUND)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.6940 of 2018
IN
SA No.1081 of 2002
Date :27/07/2018

TK/PN/SAR.4/07.08.2018/3P-4C