



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

Thursday, the Second day of August Two Thousand Eighteen

PRESENT

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

CMP(MD) No.7086 of 2018

IN

SA(MD) No.SR49554 of 2016

ARUMUGAM (DIED)

1 MEENAKSHI AMMAL

2 PICHIAMMAL

3 SURYAKALA

4 RATHINAVEL

... PETITIONERS/APPELLANTS

Vs

ANDIAPPAN

... 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 127 days due to oversight in paying deficit court fee of Rs.4800/- in S.A.SR.No.49554 of 2016 on the file of this Honble High Court and thus render justice.

PRAYER IN SA(MD)SR.49554 of 2016:

To set aside the Judgment and Decree dated 06.01.2016 in A.S.No.49 of 2011 on the file of Subordinate Court, Kulithalai reversing the judgment and decree dated 30.09.2010 made in O.S.No.179 of 2004 on the file of the District Munsif court, Kulithalai.

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.GOVINDARAJAN, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 127 days due to oversight in paying deficit Court fee of Rs.4800/- in S.A.(MD) SR49554 of 2016 on the file of this Court.

2.Though the petitioners have 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 the facts and circumstances of this case, this petition is allowed on condition that the petitioners shall pay a



sum of Rs.2,000/- (Rupees Two Thousand only) in the account, opened in the name of Member Secretary, Tamil Nadu Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this order.

3.The said amount shall be collected by the Registry, Madurai Bench of Madras High Court, Madurai through the Accounts Section and then credited into the savings Bank Account No.6656485009, Indian Bank, Madras High Court Branch, High Court Buildings, Chennai - 104, [Branch Code - 1632, IFSC Code - IDBI000M157], maintained by the Member Secretary, Tamil Nadu Legal Services Authority, Chennai.

4.It is needless to say that the said amount shall be used for the purposes mentioned in the order passed by this Court in **C.R.P. (NPD) No.1643 of 2010** dated 20.06.2018 (**D.Govindasamy Vs. L.Ganesh Naidu (deceased) and 2 others**), failing which, this petition shall automatically be dismissed without further reference to Court.

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

sd/-
02/08/2018

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, KULITHALAI

2 THE DISTRICT MUNSIF, KULITHALAI

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.

COPY TO : THE MEMBER SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY, CHENNAI.

ORDER
IN
CMP(MD) No.7086 of 2018
IN
SA(MD) No.SR49554 of 2016
Date :02/08/2018