



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.7530 of 2018

IN

CRP (MD) No.2564 of 2017

1 S.RAJATHI (DIED)

2 S.PANDI

3 S.PANDISELVI

... PETITIONERS/PETITIONERS/3rd PARTY

Vs

1 BALAMMAN

2 A.NAGESWARAN

3 V.RAMAR

... 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 157 days for filing restore petition in this Civil Revision Petition (MD) No.2564 of 2017 which was dismissed on 24.01.2018 for non prosecution with miscellaneous petition and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and the circumstances of the case and thus render justice.

PRAYER IN CRP (MD) No.2564 of 2017

To set aside the order passed by the Learned District Munsif of Theni, Theni District in E.A.No.74 of 2017 in E.A.No.76 of 2015 in E.P.No.46 of 2010 dated 15.11.2017 and pass such further or other orders as this Honourable Court

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.S.SUBRAMANIAN, Advocate for the petitioner and respondents of Not appeared either in person or by an Advocate, the court made the following order:-

This petition has been filed to condone the delay of 157 days in filing a petition to restore C.R.P.(MD)No.2564 of 2017, which was dismissed for non-prosecution on 24.01.2018.

2. There is no representation on behalf of the respondents, though notice was served and their names were also printed in the cause list.



3. Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay, subject to the payment of cost of Rs.500/- (Rupees Five Hundred only) to "Chief Justice Relief Fund", within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically, without any further reference to this Court.

4. This petition is accordingly ordered.

sd/-
30/11/2018

/ TRUE COPY /

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

TO

THE DISTRICT MUNSIF
THENI

COPY TO:- 1. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

2. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CMP (MD) No.7530 of 2018
IN
CRP (MD) No.2564 of 2017
Date :30/11/2018

MSI/VR-MMS/SAR-III/06.12.2018-2P/4C