



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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

WEB COPY

PRESENT

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

CMP (MD) No.1120 of 2019

IN

SA (MD) No.SR597 of 2019

1 P.PUGALENDHI,
2 P.GANAGASABAPATHY,
3 P.DHALAPATHY,

... PETITIONERS/APPELLANTS

Vs

V.SUGANTHI,

... RESPONDENT/RESOPONDENT

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 1013 days in filing the second appeal against the judgment and decree dated 18.12.2005 made in A.S.No.9 / 2014 on the file of Sub Judge, Theni confirming the judgment and decree dated 17.12.2013 made in OS.No.107 / 2013 on the file of District Munsif, Theni 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 M/S.K.VIJAYANAND, Advocate for the petitioner and of MR.T.LAJAPATHY ROY, Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to condone the delay of 1013 days in filing the above appeal.

2.In the affidavit filed in support of this petition, the reason stated by the petitioners is that their Counsel, who was engaged before the lower Court, has not informed the disposal of the appeal. It is admitted that the copy application was promptly filed on 08.02.2016 and the Counsel has obtained the certified copy of judgment and decree on 18.02.2016. However, it is further stated that the petitioners came to know about the same only during the 2nd week of December'2018.

3.Though the reason stated by the petitioners in the affidavit is not convincing, there is no material to discredit the statement of the petitioners. It is in the peculiar facts and circumstances of the case, this Court is inclined to allow this petition on terms.



4. Accordingly, this petition is allowed on condition that the petitioners pay a sum of Rs.5,000/- to the credit of Legal Aid Service Authority, attached to this Court within a period of three 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. The Legal Aid Service Authority is directed to utilise the said cost for the purpose of planting and maintaining the trees within the campus of Madurai Bench of Madras High Court, as per direction of Green Committee of this Bench.

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

sd/-
28/06/2019

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE, THENI.
- 2 THE DISTRICT MUNSIF, THENI.

COPY TO:

1. THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.R.SURIYA NARAYANAN, Advocate (SR-10668[I] dated 28/06/2019)

ORDER
IN
CMP (MD) No.1120 of 2019
IN
SA (MD) No.SR597 of 2019
Date :28/06/2019