



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

Friday, the Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CMP (MD) No.1519 of 2019
IN
AS (MD) No.SR37387 of 2018

M.KARUNAMOORTHY

... PETITIONER/ APPELLANT

Vs

1 R.CHANDRAN
2 R.DHANASEKAR
3 R.BALAKRISHNAN

... 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 122 days in paying the deficit court fee of Rs.38,491/- in A.S.(MD) SR.No.37387 of 2018 and thus render justice.

PRAYER IN AS (MD) No.SR37387 of 2018:

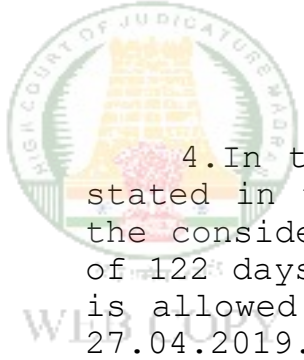
To set aside the judgment and decree dated 19.04.2018 passed in O.S.No.57 of 2011 on the file of 1st Additional District Judge, Madurai.

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.T.LAJAPATHY ROY, Advocate for the petitioner and of Mr.K.VAMANAN, Advocate for R2, and R1 & R3 not appeared either in person or by an advocate, the court made the following order:-

This petition has been filed under Section 149 C.P.C., to condone the delay of 122 days in paying the deficit Court fee of Rs.38,491/- in A.S(MD) No.SR37387 of 2018.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as the second respondent are present. Even though, the name of the first and third respondents are printed in the cause list, they have not appeared in person or through an Advocate.

3.Now on go through the petition filed by the petitioner, it is found that the petition was filed to condone the delay of 122 days in paying the deficit Court fee of Rs.38,491/-. As per the second respondent is concerned, he has not raised any serious objection in this regard.



4. In the said circumstances, being satisfied with the reasons stated in the affidavit filed in support of this petition, I am of the considered opinion that this is a fit case to condone the delay of 122 days in paying deficit Court fee. Accordingly, this petition is allowed and permitted to pay the deficit court fee on or before 27.04.2019.

sd/-
05/04/2019

/ TRUE COPY /

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

TO
THE 1ST ADDITIONAL DISTRICT JUDGE,
MADURAI.

ORDER
IN
CMP (MD) No.1519 of 2019
IN
AS (MD) No.SR37387 of 2018
Date : 05/04/2019

MS/PN/SAR-1/23.04.2019/2P.2C