



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

Thursday, the Fourth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.1562 of 2019

IN

SA(MD) No.SR6785 of 2019

RM.SATHAPPAN

... PETITIONER/APPELLANT

Vs

1 N.DHARMAMBAL AATCHI
2 N.MUTHAIAH
3 N.RAVI
4 N. ANNAMALAI
N.VISHALATCHI (DIED)
5 N.NIRMALA
6 S.MUTHU MOHAMED
7 G.KALAICHELVAN

... 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 327 days in filing the above second appeal and thus render justice.

PRAYER IN SA(MD) No.SR6785 of 2019:

To set set aside the judgment and decree made in O.S.No.391 of 2010 on the file of the Principal Sub Court, Dindigul dated 20.10.2011 confirmed in A.S.No.59 of 2015 on the file of the Principal District Court, Dindigul, dated 21.12.2017 and hereby allow the second appeal 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 MR.D.SADIQ RAJA, Advocate for the petitioner and of MR.B.PRAHALAD RAVI, Advocate for R1 to R4 and MR.A.ARUMUGAM, Advocate for R5 and MR.K.C.RAMALINGAM, Advocate for R6, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 327 days in filing the above Second Appeal.



a delay of 327 days. Further it is stated in the petition that the petitioner took treatment in abroad for his old age ailments and hence, the delay mentioned in the petition has occurred and in order to condone the same, the present petition has been filed.

3. On the side of the fifth respondent, a counter has been filed, wherein it is stated that the reason given in the petition is not sufficient to condone the delay of 327 days. Thus, he prayed to dismiss the petition.

4. Heard the learned counsel appearing for both sides and perused the materials available on record.

5. Considering the reason stated in the affidavit filed in support of the petition and also considering the length of delay, to meet the ends of justice, this Court is inclined to condone the delay subject to the payment of cost of Rs.2,000/- (Rupees two thousand only) to the Legal Services Committee, attached to this Bench, within a period of one week from the date of receipt of copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

6. This petition is accordingly ordered.

7. In the event of payment of cost, the Registry is directed to number the second appeal, if it is otherwise in order and list the same "for admission" forthwith.

sd/-

04/04/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
DINDIGUL.

2 THE PRINCIPAL DISTRICT JUDGE,
DINDIGUL.

+1. C.C. to M/S.D.SADIQ RAJA Advocate SR.No.6281

COPY TO:

1 THE AUTHORISED OFFICER,
LEGAL AID SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



2 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER
IN
CMP (MD) No.1562 of 2019
IN
SA (MD) No.SR6785 of 2019
Date :04/04/2019

JM/MMS/SAR 4/15.04.2019/3P/6C