

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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

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

CMP(MD) No.1881 of 2019
IN
SA(MD) No.SR40686 of 2018

K.THANGADURAI NADAR (DIED)
T.PUSHPAM (DIED)
1.C.SASIKALA
2 T.MURUGAN

... PETITIONERS/APPELLANTS

Vs

1 PILLAIYAR KOTTALAM

2 DEITY SRI VENKATACHALAPATHY OF
SRI VENKATACHALAPATHY THIRUKOIL
MUKKANI THROUGH ITS EXECUTIVE OFFICER,
THOOTHUKUDI DISTRICT. ... 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 1658 days in filing the above Second Appeal and thus render justice.

PRAYER in SA(MD) No.SR40686 of 2018:

To set aside the Decree and the Judgment dated 12.09.2013 rendered in A.S.No.27 of 2002 on the file of the Principal District Judge, Thoothukudi confirming the Decree and the Judgment dated 18.12.2001 rendered in O.S.No.197 of 2000 on the file of the Principal District Munsif, Thoothukudi, by allowing this Second Appeal and to grant such other relief or reliefs that 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 M/S.G.ARAVINTHAN, Advocate for the petitioner and of MR.K.KUMARAVEL, Advocate for R1, and R2 not appeared either in person or by an Advocate, the court made the following order:-

This petition is filed to condone the delay of 1658 days in filing the above appeal.

2.In the affidavit filed in support of this petition, the petitioners have given sufficient reasons, narrating the events that came in the way of presenting the appeal within time. The first respondent did not file any counter. Though the delay has been properly and satisfactorily explained, the delay is inordinate. Hence, this Court is inclined to allow this petition on terms.

3.Accordingly, this petition is allowed and the delay is condoned on condition that the petitioners pay a sum of Rs.10,000/- to the first respondent, within a period of two 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.

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

sd/-
05/07/2019

/ TRUE COPY /

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

TO

1.THE PRINCIPAL DISTRICT JUDGE,
THOOTHUKUDI.

2.THE PRINCIPAL DISTRICT MUNSIF,
THOOTHUKUDI.

COPY TO : THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.1881 of 2019
IN
SA (MD) No.SR40686 of 2018
Date :05/07/2019

cmr
PK/JC/SAR-2/16.07.2019 : 2P/4C