



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

Friday, the Twenty First day of June Two Thousand Nineteen

PRESENT

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

CMP(MD) No.1888 of 2019
IN
SA(MD) No.SR10589 of 2018

1 A.KARUPPIAH
2 RAJENDRAN

... PETITIONERS/APPELLANTS

Vs

1 MAYAKKAL
2 KALUVAYAMMAL
3 UTHAYAPANDI
4 P.RANI
5 NATARAJAN
6 MUNIYASAMY

... 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 862 days in filing the Second Appeal against the Judgment and Decree dated 13.1.2015 in A.S No.46 of 2011 on the file of the I- Additional District Judge, Madurai

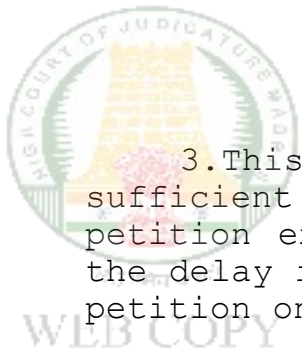
PRAYER IN SA(MD) No.SR10589 of 2018:

To prefer the above Second Appeal against the Judgment and Decree passed in AS.No.46 of 2011 dated 13.01.2015 on the file of Learned I Additional District Judge, Madurai confirming the Judgment and Decree passed in OS No.451 of 2002 dated 22.08.2011 on the file of Learned II Additional Subordinate 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.S.PON SENTHILKUMARAN, Advocate for the petitioners and of Mr.V.MARISELVARAJ, Advocate for R1, the court made the following order:-

This petition is filed to condone the delay of 862 days in filing the above appeal.

2.It is stated in the affidavit that the petitioners have to wait to get the amended copy of the judgment and decree, as there were some mistakes in the copy of the judgment and decree and obtained the amended copy of judgment and decree only on 08.06.2017.



3.This Court is convinced that the petitioners have given sufficient reasons in the affidavit filed in support of this petition explaining the delay in filing the above appeal. However, the delay is inordinate. Hence, this Court is inclined to allow this petition on terms.

4.Accordingly, this petition is allowed on terms 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/-
21/06/2019

/ TRUE COPY /

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

TO

1.THE I ADDITIONAL DISTRICT JUDGE, MADURAI.

2.THE II ADDITIONAL SUBORDINATE JUDGE, MADURAI.

COPY TO:

1.THE AUTHORITY OFFICER,
LEGAL AID SERVICE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. C.C. to Mr.S.PON SENTHILKUMARAN Advocate SR.No.10443

ORDER
IN
CMP(MD) No.1888 of 2019
IN
SA(MD) No.SR10589 of 2018
Date :21/06/2019