



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2539 of 2019

IN

SA(MD) No.SR8212 of 2019

T.SIVAKUMAR

... PETITIONER/APPELLANT

Vs

J.JEBAMONYDHAS @ ERONIMAS

... 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 223 days in filing the above Second Appeal against AS.No.30 of 2013 on the file of the Principal District Judge, Nagercoil dated 19.03.2018 and thus render justice.

PRAYER IN SA(MD) No.SR8212 of 2019

To set aside the Judgment and decree in A.S.No. 30 of 2013 on the file of the Principal District Judge, Nagercoil dated 19.03.2018 confirming the decree and judgment in O.S.No. 72 of 2010 on the file of the Subordinate Judge, Padmanabhapuram, dated 17.10.2012 and allow this 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.T.SELVAKUMARAN, Advocate for the petitioner and of MR.K.SREE KUMARAN NAIR, Advocate on behalf of the Respondent, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 223 days in filing the above Second Appeal.

2.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the Chief Justice Relief Fund, on or before 02.04.2019, failing which this petition shall stand dismissed automatically without any further reference to this Court.



3. This petition is accordingly ordered.

4. 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.

WEB COPY

sd/-
01/04/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE,
NAGERCOIL

2 THE SUBORDINATE JUDGE,
PADMANABHAPURAM.

COPY TO:- 1. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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

ORDER
IN
CMP (MD) No.2539 of 2019
IN
SA (MD) No.SR8212 of 2019
Date :01/04/2019

MSI/PN/SAR 4/02.04.2019/2P-5C