



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.285 of 2019

IN

SA(MD) No.SR19452 of 2016

RAJAGOPAL,

... PETITIONER/APPELLANT

Vs

1 DURAISAMY (DIED)

1) ADAIKKAMMAI,

2 C.KARUPPIAH,

3 M.CHINNAIAH,

... RESPONDENTS/RESPONDENTS

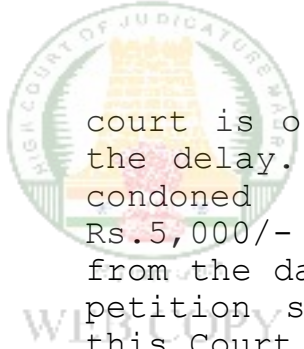
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 825 days in representing the above SA(MD) SR.No19452 of 2016 and thus render justice.

PRAYER IN SA(MD) No.SR19452 of 2016:-

To set aside the Judgment and Decree dated 26.08.2015 passed in A.S.No.5 of 2013 by the learned Additional District Judge and Sessions Judge, Pudukkottai confirming the Judgment and Decree dated 26.07.2011 passed in O.S.No.164 of 2006 by the learned Sub-Judge, Pudukkottai by allowing this Second Appeal with costs 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.BABU RAJENDRAN, Advocate for the petitioner and of MR.N.BALAKRISHNAN, Advocate on behalf of the Respondents the court made the following order:-

This civil miscellaneous petition is filed to condone the delay of 825 days in representing the above second appeal. Though the delay is explained to the satisfaction of this court by stating that the delay was on account of misplacing the papers with other bundles, the explanation is a routine excuse and the respondent may not be able to dispute the allegations. In such circumstances, this



court is of the view that the respondent should be compensated for the delay. As a result, this petition is allowed and the delay is condoned on condition that the petitioner pay a sum of Rs.5,000/- to the respondent counsel within a period of two weeks from the date of receipt of a copy of this order, failing which this petition stands dismissed automatically without any reference to this Court.

sd/-
21/06/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.

2.THE SUBORDINATE JUDGE,
PUDUKKOTTAI.

+1 CC to Mr.BABU.RAJENDRAN, Advocate (SR-10192[I] dated
21/06/2019)

ORDER
IN
CMP (MD) No.285 of 2019
IN
SA (MD) No.SR19452 of 2016
Date :21/06/2019

TM
AE/PN/SAR-IV (27.06.2019) 2P 4C