



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

Friday, the Twenty Ninth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2855 of 2019

IN

SA(MD) No.35 of 2018

P.THIRUMALAIRAJ

... PETITIONER/APPELLANT

Vs

KANNAN

... 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 364 days in filing the petition to setting aside the order of dismissal passed in SA(MD)No.35 of 2018 on 12.02.2018

Prayer in SA(MD) . 35/ 2018 :

To allow the Second Appeal and call for the records relating the impugned judgment and decree passed by the Learned Additional District Cum Sessions Judge, Theni @ Periyakulam dated 21.07.2017 in A.S.No.20 of 2016 reversing the impugned Judgment and decree passed by the Subordinate Judge, Uthamapalayam dated 28.10.2015 in O.S.No.15 of 2014 and dismiss the suit 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.K.PRABHU, Advocate for the petitioner, the court made the following order:-

Heard.

2.This petition has been filed by the petitioner seeking to condone the delay of 364 days in filing a petition to set aside the order of dismissal passed in S.A.(MD).No.35 of 2018.

3.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 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.

4. This petition is accordingly ordered.

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sd/-
29/03/2019

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT CUM
SESSIONS JUDGE, THENI @ PERIYAKULAM
- 2 THE SUBORDINATE JUDGE
UTHAMAPALAYAM

COPY TO:- THE OFFICER IN-CHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to MR.K.PRABHU Advocate SR.No.5913

ORDER
IN
CMP (MD) No.2855 of 2019
IN
SA (MD) No.35 of 2018
Date :29/03/2019

MSI/VR/SAR 1/04.04.2019/2P-5C