



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

Wednesday, the Twelfth day of June Two Thousand Nineteen

WEB COPY

PRESENT

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

CMP(MD) No.10904 of 2017

IN

SA(MD) No.SR47671 of 2017

PERUMALSAMY

... PETITIONER/APPELLANT

Vs

1 KALIYAPPAN,
2 PERUMALSAMY
3 RAMAKRISHNAN
4 TIRUMALAISAMY

KALIYAMMAL (DIED)

5 MARIYAPPAN
6 JAKKAMMAL

... 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 669 days in filing an above second appeal and thus render justice.

PRAYER in SA(MD)No.SR47671/2017:

To set aside the Judgment and Decree dated 26.08.2015 made in A.S.No.25 of 2012 on the file of the Sub court, Vendasandur confirming the judgment and decree dated 22.12.2008 made in O.S.No.31 of 2004 on the file of the District Munsif cum Judicial Magistrate, Vendasandur and allow the Second Appeal.

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.R.RAMADURAI, Advocate for the petitioner and of MR.S.ANAND CHANDRASEKAR for M/S.SARVABHUMAN ASSOCIATES for R5 & R6 and the Respondents 1 to 4 not appeared either in person or by an Advocate, the court made the following order:-

This petition is filed to condone the delay of 669 days in filing the above appeal.



due to jaundice and had underwent nativity treatment. However, the delay of 669 days is abnormal. Though the reasons can be accepted, the delay could have been avoided. Hence, this Court is inclined to allow this petition on terms.

3.As a result, the delay is condoned and the petition is allowed on condition that the petitioner pay a sum of Rs.5,000/- to the respondents 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.

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

Sd/-
12/06/2019

/ TRUE COPY /

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

TO

1.THE SUBORDINATE JUDGE, VEDASANDUR

2.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR

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

ORDER
IN
CMP(MD) No.10904 of 2017
IN
SA(MD) No.SR47671 of 2017
Date :12/06/2019

cmr
PK/JC/SAR-1/18.06.2019 : 2P/4C