



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.4136 of 2019
IN
SA(MD) No.SR42626 of 2017

1 BARAKATH NISHA
2 MAGIN ABUBUCKER
3 ABUSALI
4 SHAIBA
5 SAMSU

... PETITIONERS/APPELLANTS

Vs

1.ABDUL ALI AHADUL MUSALIAR SHEIK JAMALI
DHARGA, THROUGH ITS PRESIDENT,
SHAGGADHANESHIN MUTHAVALLI
S.M.JUNAITH SAHIB GADHRI

2.S.KANNAN

... 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 523 days in representing the above second appeal in S.A.S.R.No.42626 of 2017.

PRAYER IN SA(MD) No.SR42626 of 2017:

To prefer this Memorandum of Second Appeal against the judgment and decree dated 17.03.2017 passed in A.S.No.7 of 2015 on the file of Principal Sub-Court, Nagercoil confirming the judgment and decree dated 28.10.2014 passed in O.S.No.312 of 2012 on the file of 1st Additional District Munsif Court, Nagercoil, Kanyakumari District.

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.M.P.SENTHIL, Advocate for the petitioners, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 523 days in representing the above Second Appeal.
<https://hcservices.ecourts.gov.in/hcservices/>



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.2,500/- (Rupees two thousand and five hundred only) to the Chief Justice Relief Fund, on or before 22.04.2019, 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" on 23.04.2019.

sd/-
16/04/2019

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL.
- 2.THE 1ST ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL, KANYAKUMARI DISTRICT.

COPY TO:

- 1.THE SECTION OFFICER, (THE CHIEF JUSTICE RELIEF FUND)
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.4136 of 2019
IN
SA(MD) No.SR42626 of 2017
Date :16/04/2019

TK/MMS/SAR-2/16.04.2019/2P/5C