

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

Monday, the Third day of June Two Thousand Nineteen

PRESENT

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

CMP(MD) No.4531 of 2019  
IN SA(MD) No.SR47901 of 2016

S.SAMUEL

... PETITIONER/ APPELLANT

Vs

1 ATHIMOOLAA MEENAKSHI

2 VIMALA

3 THE JOINT REGISTRAR NO.1  
SUB REGISTRAR'S OFFICE,  
PALAYAMKOTTAI,  
TIRUNELVELI-627 009.

... 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 845 days in paying the deficit court fee of Rs.11000/- in the above second appeal S.A.(MD)SR.No.47901 of 2016 on the file of this Honourable High Court.

**PRAYER IN SA(MD) No.SR47901 of 2016:**

To call for the records from the Courts below and set aside the decree and judgment in A.S.No.45 of 2015 passed by the Principal District Judge, Tirunelveli dated 04.01.2016 confirming the Decree and judgment in O.S.No.307 of 2011 passed by the learned Principal Subordinate Judge, Tirunelveli dated 25.11.2014 by allowing this 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 Mr.M.S.JAWAHARLAL, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 845 days in paying the deficit Court fee of Rs.11,000/- in the above second appeal.

2.Though the petitioner has stated some reasons to condone the delay, this Court is able to see that the delay is inordinate. Having regard to the inordinate delay in paying the deficit Court fee, this Court is inclined to allow this petition on terms.

3.As a result, the delay of 845 days in paying the deficit Court fee is condoned and this petition is allowed on condition that the petitioner deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the Legal Aid Service Authority, attached to this Bench, within a period of two 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.

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

sd/-  
03/06/2019

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL DISTRICT JUDGE,  
TIRUNELVELI
- 2 THE PRINCIPAL SUBORDINATE JUDGE,  
TIRUNELVELI

COPY TO:

1. THE OFFICER INCHARGE,  
LEGAL AID SERVICE AUTHORITY,  
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.4531 of 2019  
IN  
SA (MD) No.SR47901 of 2016  
Date :03/06/2019

**MS/MMS/SAR-3/10.06.2019/2P.5C**