



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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP (MD) No.4786 of 2019
IN
SA (MD) No.548 of 2009

1 P.RAMAN
2 P.RAKKAYEE AMMAL

P.LAKSHMI (DIED)

3 P.MUTHUSAMY
4 P.PARAMASIVAM
5 P.CHINNA PONNU
6 RAVANAN
7 RAMANI
8 RADHA

... PETITIONERS/ APPELLANTS

Vs

P.S.RAMASAMY THEVAR

... RESPONDENTS/ RESPONDENTS

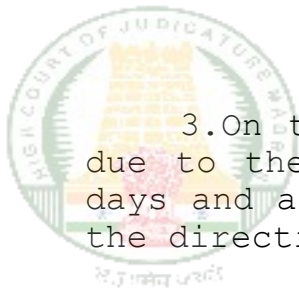
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 18 days in filing the restore petition in S.A.No.548 of 2009 and thus render justice.

PRAYER IN SA (MD) No.548 of 2009:

Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 23.01.2009 passed in A.S.No.46 of 2008, on the file of the learned Principal District Judge, Madurai, by reversing the Judgment and Decree dated 30.03.2007, passed in O.S.No.470 of 2003 on the file of the learned District Munsif, Madurai Taluk.

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.S.MUNIYANDI, Advocate for the petitioners and of Mr.M.R.MURUGESAN, Advocate on behalf of the Respondent, the court made the following order:-

Both side present.



3. On the side of the petitioners/appellants, it is stated that due to the death of the earlier counsel, there was a delay of 18 days and also the petitioners were not able to pay the costs as per the directions of this Court, dated 27.02.2019.

4. On the side of the respondent, it is stated that the reasons stated by the petitioners that he has to get the bundle from the earlier counsel, who appeared in the first appeal is not correct and this appeal itself was filed by the same counsel and there is no question of receiving the bundle from the earlier counsel.

5. It is seen that already this Court has passed an order to pay the cost of Rs.2,000/- within the stipulated time, but, the petitioners failed to pay the amount in time.

6. Hence, it is decided that this petition may also be allowed on payment of cost. Accordingly, the delay is condoned and petition is allowed on condition that the petitioner shall pay a further sum of Rs.500/- (Rupees Five Hundred only) to the credit of the Honourable Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, on or before 03.07.2019, failing which, this petition shall automatically be dismissed without further reference to Court.

7. The Registry is directed to send intimation to receive the amount without insisting upon the copy of the order.

8. Call on 05.07.2019.

sd/-
27/06/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE, MADURAI.

2 THE DISTRICT MUNSIF, MADURAI TALUK.

COPY TO:

THE SECTION OFFICER, (the Honourable Chief Justice Relief Fund)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CMP(MD) No.4786 of 2019
IN
SA(MD) No.548 of 2009
Date :27/06/2019