



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

Tuesday, the Fifth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.599 of 2019

IN

SA(MD) No.SR6265 of 2018

1 KANNAIAH THEVAR,
2 VALLITHAI,

... PETITIONERS/APPELLANTS

Vs

ANGAPPA THEVAR (DIED)
PARAMASIVA THEVAR (DIED)

1) A.PITCHAMMAL,
2 A.MARIAPPAN,
3 A.ANGAMMAL,
4 A.KANNIAH,
5 A.THAMIZHARASI,
6 A.KANMANI,
7 A.THANGAIAH,
8 A.CHITHRA,
9 P.KANNAIAH,
10 P.RENGASAMY,
11 P.VELMURUGAN,
12 P.PATHIRAKALI,

... 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 292 days in representing this SA(MD) SR.No.6265 of 2018 and thus render justice.

PRAYER IN SA(MD) No.SR6265 of 2018

Allow this second appeal by setting aside the judgment and Decree passed in A.S.No.17 of 2017 on the file of the Sub Court,Thrichendur,dated 20.09.2017 confirming the judgment and decree passed in O.S.No.255 of 2004 on the file of the District Munsif Court, Srivaigundam, dated 10.01.2006 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.N.GA.NATARAJ, Advocate for the petitioner and of Mr.D.SRINIVASARAGAVAN, Advocate for R1,R3,R5,R6 & R8 and R2,R4,R7,R9 to R12 for no appearance, the court made the following order:-



Heard.

This petition has been filed by the petitioners seeking to condone the delay of 292 days in representing the above Second Appeal.

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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.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.

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" forthwith.

sd/-
05/03/2019

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE, THRICHEENDUR.
- 2 THE DISTRICT MUNSIF COURT, SRIVAIGUNDAM.

COPY TO

- 1 THE OFFICER INCHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB-ASSISTANT REGISTRAR,
AE SECTION,
MADRUI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/JC/SAR-2/11.03.2019/2P/5C

ORDER
IN
CMP(MD) No.599 of 2019
IN
SA(MD) No.SR6265 of 2018
Date :05/03/2019