



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

Wednesday, the Third day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.9248 of 2017
IN
SA(MD) No.SR39523 of 2017

1 R.MURUGAN
2 K.RAMALINGAM

... PETITIONERS/APELLANTS

Vs

1 S.DHARMARAJ
2 S.ESWARAN

... 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 564 days in filing the above Second Appeal.

PRAYER IN SA(MD) No.SR39523 of 2017

The appellant above names beg to prefer this Memorandum of grounds of second appeal against the judgment and decree passed in A.S.NO.12/2015 on the file of the Additional Sub-Court, Tirunelveli made on 09.12.2015 confirming the judgment and decree passed in O.S.NO.135/2011 on the file of the Principal District Munsif Court, Tirunelveli made on 23.09.2014.

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.K.ESAKKI, Advocate for the petitioner and of Mr.A.ROBINSON, Advocate for R1 & R2, the court made the following order:-

This petition has been filed by the petitioner praying to condone the delay of 564 days in filing the above appeal.

2. Heard both sides. The learned counsel appearing for the respondents strenuously objected to allow this petition.

3.However, 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.2000/-(Rupees two thousand only) to the Legal Aid 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.

4.This petition is accordingly ordered.

5. In the event of payment of cost, the Registry is directed to number the appeal if it is otherwise in order and list the same "for admission" forthwith.

sd/-

03/04/2019

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL SUBORDINATE JUDGE,
TIRUNELVELI.
- 2 THE PRINCIPAL DISTRICT MUNSIF JUDGE,
TIRUNELVELI.

COPTY TO

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

+1. C.C. to Mr.K.ESAKKI Advocate SR.No.6197

PS/PN/SAR-2/08.04.2019/2P/6C

ORDER
IN
CMP(MD) No.9248 of 2017
IN
SA(MD) No.SR39523 of 2017
Date :03/04/2019