



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

**CMP(MD) No.11822 of 2018
in SA(MD) No.SR15839 of 2012**

1 MAHALAKSHMI
2 PARTHIBAN

... PETITIONERS/APELLANTS

Vs

1 THE COMMISSIONER,
PANCHAYAT UNION, KUMBAKONAM.

2 THE SECTION OFFICER,
PWD/WRO, SAKKOTTAI,
THANJAVUR DISTRICT.

3 THE EXECUTIVE ENGINEER,
PWD/WRO, THANJAVUR DISTRICT.

4 THE STATE OF TAMIL NADU,
REPRESENTED BY THE DISTRICT COLLECTOR,
THANJAVUR DISTRICT.

5 THE PRESIDENT,
AARIYAPADAIYUR VILLAGE PANCHAYAT,
AARIYAPADAIYUR VILLAGE,
THANJAVUR DISTRICT.

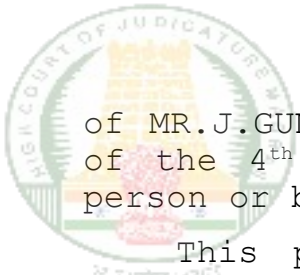
... RESPONDENT/RESPONDENT

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 2414 days in representing the second appeal in S.A.(MD)SR.No.15389 of 2012 before this Honourable court against the Judgment and Decree passed in A.S.No.88 of 2009 on the file of the Additional Sub Court, Kumbakonam and thus render justice.

PRAYER IN S.A. (MD)SR.No.15389 of 2012:

To set aside the Judgment and Decree dated 10.11.2011 passed in A.S.No.88 of 2009 on the file of the Additional sub Court, Kumbakonam reversing the Judgment and Decree dated 05.08.2005 passed in O.S.No.249 of 2002 on the file of the Principal District Munsif Court, Kumbakonam.

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.SUDALAIYANDI, Advocate for the petitioner and



of MR.J.GUNASEELAN MUTHIAH, Additional Government Pleader on behalf of the 4th Respondent, and R1 to R3 & R5 not appeared either in person or by an Advocate, the court made the following order:-

This petition has been filed by the petitioners seeking to condone the delay of 2414 days in representing the above appeal.

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2. Heard the learned counsel for the petitioner. Though notice served to the respondents 1 to 4, they did not appear either in person or through any counsel. The learned counsel appearing for the 5th respondent raised serious objections in allowing this petition.

3. 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.2500/- (Rupees two thousand and five hundred only) to the Legal Aid 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. This petition is accordingly ordered.

4. 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/-
28/02/2019

/ TRUE COPY /

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

TO

1. THE ADDITIONAL SUBORDINATE JUDGE, KUMBAKONAM.

2. THE PRINCIPAL DISTRICT MUNSIF, KUMBAKONAM

COPY TO : THE OFFICER INCHARGE, LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51316

ORDER IN
CMP(MD) No.11822 of 2018 IN
SA(MD) No.SR15839 of 2012
Date :28/02/2019