



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.4334 of 2018
IN
SA (MD) No.SR23278 of 2010

MINOR VASUKI
REP.BY MOTHER AND GUARDIAN
KANEE PAPA

... APPELLANT/4th RESPONDENT/
2nd DEFENDANT

Vs

1 CHELLADURAI
2 VAIRAM

3 ARUMUGAM

MURUGESAN (DIED) (NO Lrs)

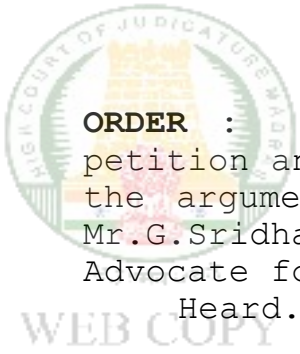
4 KAMARAJ
5 MUTHANNA NATTAR
6 MANICKAM SETHURAYAR
7 MALARVIZHI
8 MANOHAR

... RESPONDENTS/3rd RESPONDENT,
APPELLANT,5,7 to 11 RESPONDENTS/
3rd PLAINTIFF,1,3,5,6,L.R.s of the
2nd PLAINTIFF

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order condoning the delay of 287 days in filing the petition for the restoration of the appeal which was in S.R.Stage in S.R.No.23278 of 2013 which was dismissed for default on 8.2.2017 to file and thus render justice.

PRAYER IN SA (MD) No.SR23278 of 2010:

To allow the appeal setting aside the decree and judgment dated 30.10.2009 in A.S.No:280/2000 on the file of learned Principal District Judge, Tiruchirapalli confirming the decree and Judgment dated 28.09.2000 passed by the learned Principal Subordinate Judge, Tiruchirapalli in O.S.No:527/2000.



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.S.K.MANI, Advocate for the petitioner and of Mr.G.Sridharan, Advocate for R3, and Mr.L.S.M.MOHAMED KADAR SAHIB, Advocate for R8, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 287 days in filing a petition for the restoration of S.A(MD)No.SR 23278 of 2010, which was dismissed for default on 08.02.2017.

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.500/- (Rupees five hundred 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 restoration petition, if it is otherwise in order, and list the same for hearing.

sd/-

01/04/2019

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL DISTRICT JUDGE, TIRUCHIRAPALLI.
- 2.THE PRINCIPAL SUBORDINATE JUDGE,TIRUCHIRAPALLI.

COPY TO:

- 1.THE AUTHORITY OFFICER,
LEGAL SERVICES COMMITTEE,
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.4334 of 2018 IN

SA(MD) No.SR23278 of 2018

Date :01/04/2019