



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

CMP(MD) No.12086 of 2018  
IN  
CMA(MD) No.SR46606 of 2018

K.K.M.G.EISENHOWAR

... PETITIONER/ APPELLANT

Vs

1 NATARAJAN CHETTIAR  
2 M.SURESH @ JEGANATHAN  
3 M.MAHESWARAN  
4 M.SHANKAR  
5 ELIZABATH RANI

... 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 272 days in filing the CMA(MD)SR.No.46606 of 2018 and thus render justice.

**PRAYER IN CMA(MD) No.SR46606 of 2018:**

To call for records and set aside the fair and executable order dated 11.10.2017 passed in E.A.No.15 of 2017 in E.P.No.26 of 2010 on the file of the Additional District Court, Ramanathapuram.

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.T.R.JEYAPLAM, Advocate for the petitioner and of Mr.V.SITHARANJANDAS, Advocate for R1, and R2 to R5 not appeared either in person or by an advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 272 days in filing the above Civil Miscellaneous Appeal.

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 Chief Justice Relief Fund, 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 appeal, if it is otherwise in order and list the same "for admission" forthwith.

sd/-

23/01/2019

/ TRUE COPY /

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

TO  
THE ADDITIONAL DISTRICT JUDGE,  
RAMANATHAPURAM.

**COPY TO:**

1. THE SECTION OFFICER, (the Chief Justice Relief Fund)  
ACCOUNTS SECTION,  
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.12086 of 2018

IN

CMA (MD) No.SR46606 of 2018

Date : 23/01/2019

**MS/VR/SAR-3/28.01.2019/2P.4C**