



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CMP(MD) No.6599 of 2018

IN

AS(MD) No.SR28957 of 2018

CT SUNDARAM

... PETITIONER/APELLANT

Vs

S.JAMBUNATHAN

... 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 133 days in filing the above First Appeal against the Judgment and Decree passed in O.S.No.19 of 2012 on the file of 1st Additional District Judge (PCR) Tiruchirappalli dated 25.07.2017 and pass such further order as this Honourable Court may be deem fit and circumstance of the case and thus render justice.

PRAYER IN AS(MD) No.SR28957 of 2018:-

To set aside the Judgment and Decree passed in O.S.No.19 of 2012 on the file of 1st Additional District Judge (PCR) Tiruchirappalli, dated 25.07.2017 and to allow the First Appeal .

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.C.LAKSHMANAN, Advocate for the petitioner and of MR.G.SRIDHARAN, on behalf of the Respondent, the court made the following order:-

Heard both sides.

2. Mr.G.Sridharan, learned counsel takes notice for the respondent.

3. This petition has been filed to condone the delay of 133 days in filing the above First Appeal against the Judgement and Decree passed in O.S.No.19 of 2012 by the learned I-Additional District Judge (PCR), Tiruchirappalli, dated 25.07.2017. It is a definite case of the petitioner that the appellant being the retired Government employee, is not in a position to spend much rupees towards court fee. According to the petitioner, because of the said reason only, the appeal has not been filed within the time.



4. The learned counsel for the respondent would contend that now-a-days, it is very easy to mobilize one lakh rupees by the retired Government employee.

5. Upon considering the arguments advanced by either side, it is true now-a-days mobilization of one lakh rupees is not a heavy problem to the appellant. However, this application is filed only to condone the delay of 133 days. Since the delay to be condoned is not too excessive and for filing this appeal, the appellant has paid court fee of Rs.1,12,576/- and also considering the facts and circumstances of the case, I am of the opinion that this is the fit case to condone the delay and accordingly, the delay of 133 days in filing the above First Appeal is hereby condoned and this petition is ordered accordingly.

6. The Registry is directed to number the appeal, if it is otherwise in order.

sd/-
26/02/2019

/ TRUE COPY /

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

TO

THE IST ADDITIONAL DISTRICT JUDGE (PCR) COURT,
TIRUCHIRAPPALLI.

COPY TO:-

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

ORDER
IN
CMP (MD) No.6599 of 2018
IN
AS (MD) No.SR28957 of 2018
Date :26/02/2019