



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

Friday, the First day of March Two Thousand Nineteen

PRESENT

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

**CMP(MD) No.10913 of 2018**

**IN**

**SA(MD) No.SR16054 of 2018**

1 CHOKKALINGAM  
2 CHAKKARAVARTHY

... PETITIONER/APPELLANTS

Vs

1 SIVASAMY  
2 ARUMUGAM  
3 RAMAIAH  
4 SAMINATHAN

... RESPONDENTS/RESPONDNETS

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 177 days in re-presenting the Second Appeal In S.A.(MD)SR.No.16054 of 2018 and thus render justice.

**PRAYER IN SA(MD) No.SR16054 of 2018**

To call for the records relating to the Judgment and Decree dated 17.01.2018 made in A.S.No. 18 of 2016 on the file of the Subordinate Judge, Devakottai confirming Judgment and Decree dated 18.12.2014 made in O.S.No. 171 of 2012 on the file of the Learned Additional District Munsif, Karaikudi set aside the same and consequently allow second 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.S.SEKAR, Advocate for the petitioner and of MR.H.MOHAMED IMRAN for M/S.AJMAL ASSOCIATES for R1 & R3, R4 not appeared either in person or by an Advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to condone the delay of 177 days in representing the above Second 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.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 second appeal, if it is otherwise in order and list the same "for admission" forthwith.

sd/-  
01/03/2019

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE, DEVAKOTTAI.

2 THE ADDITIONAL DISTRICT MUNSIF, KARAIKUDI

COPY TO:-1. THE OFFICER IN-CHARGE,  
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.10913 of 2018  
IN  
SA(MD) No.SR16054 of 2018  
Date :01/03/2019

MSI/PN/SAR 4/06.03.2019/2P-5C