



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

Wednesday, the Sixth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.11014 of 2018

IN

SA(MD) No.SR35339 of 2018

J.DASS

... PETITIONER/APPELLANT

Vs

JOINT COMMISSIONER/ E.O.,
ARULMIGHU RAMANATHA SAMY THIRUKOIL,
RAMESWARAM, RAMANATHAPURAM 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 320 days in filing the above second appeal against the judgment and decree was in A.S.No.21 of 2013 dated 07.07.2017 on the file of the Learned Subordinate Judge, Ramanathapuram dated 07.07.2017 in O.S.No.28 of 2011 on the file of the District Munsif cum Judicial Magistrate court, Rameswaram dated 22.02.2013 pending disposal of the above second appeal and thus render justice.

PRAYER IN SA(MD) No.SR35339 of 2018:

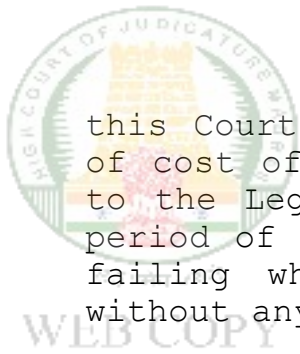
To set aside the decree and judgment of the Learned Subordinate Judge, Ramanathapuram dated 07.07.2017 in A.S.No.21 of 2013 and reversing the decree and judgment of the District Munsif cum Judicial Magistrate court, Rameswaram dated 22.02.2013 in O.S.No.28 of 2011 by allowing this second appeal.

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.B.SENTHILKUMAR, Advocate for the petitioner and of not appeared for the respondent either in person or through by an Advocate, the court made the following order:-

Heard.

2.This petition has been filed by the petitioners seeking to condone the delay of 320 days in filing the above second appeal.

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.1,500/-. (Rupees one thousand and 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.

4.This petition is accordingly ordered.

5. 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/-
06/02/2019

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.

2 THE JOINT COMMISSIONER/ E.O.,
ARULMIGHU RAMANATHA SAMY THIRUKOIL,
RAMESWARAM, RAMANATHAPURAM DISTRICT.

+1 CC to M/s.B.SENTHILKUMAR, Advocate (SR-2449 dated 06/02/2019)

COPY TO:

1 THE AUTHORISED 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.11014 of 2018
IN
SA (MD) No.SR35339 of 2018
Date :06/02/2019