



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.11074 of 2018

IN

SA(MD) No.SR16233 of 2018

1 V.RAMAMURTHI
2 V.GOMATHISWARAN
3 V.NARAYANAN
4 V.NEELAMBAL
5 V.ANGAYARKANNI
6 V.SHANTHI

... PETITIONERS/APELLANTS

Vs

1 SIVAKAMIAMMAL
2 DHANDAVARAYAPILLAI
3 D.NEELAVENI
4 BALASUBRAMANIAN

... 1st RESPONDENT/APELLANT/PLAINTIFF

... RESPONDENTS 2 to 4/
RESPONDENTS 1 to 3/
DEFENDANTS 1 to 3

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 438 days in preferring the Second Appeal and pass such further or other orders that this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

PRAYER IN SA(MD) No.SR16233 of 2018

To allow the present second appeal by setting aside the judgment and decree dated 05.11.2016 made in A.S.No. 45 of 2014 on the file of the Principal District Judge, Trichirappalli reversing the Court Judgment and decree dated 24.07.2014 made in O.S.No. 54 of 2007 on the file of the Court of Subordinate Judge, Tiruchirappalli.

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.V.MADURAI VEERAN, Advocate for the petitioners and of MR.M.SIDDHARTHAN, Advocate for R1 (Caveator) and R2 to R4 not appeared either in person or by an Advocate, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

Heard.



This petition has been filed by the petitioners seeking to condone the delay of 438 days in preferring 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.1,500/- (Rupees one thousand and five hundred only) to the Babbles Day Care run by Women Lawyers Association, Madurai Bench of Madras High Court, Madurai 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" immediately.

sd/-

07/02/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE
TIRUCHIRAPPALLI.

2 THE SUBORDINATE JUDGE,
TIRUCHIRAPPALLI.

COPY TO:- 1. THE BABBLES DAY CARE
RUN BY WOMEN LAWYERS ASSOCIATION,
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.11074 of 2018

IN

SA(MD) No.SR16233 of 2018

Date :07/02/2019