



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

Friday, the Fifteenth day of March Two Thousand Nineteen
PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.11083 of 2018

IN

SA(MD) No.SR46410 of 2018

B.SHESHA IYER,

... PETITIONER/APPELLANT

Vs

1.K.DEIVENDRAN,

2 S.SRINIVASAN,

... 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 224 days in filing the Second Appeal thus render justice.

PRAYER IN SA(MD) No.SR46410 of 2018:-

To reverse and set aside the decision of the lower appellate Court dated 21.12.2017 in A.S.No.41 of 2017 passed by the Court of the I Additional Subordinate Judge, Madurai reversing the Judgment and Decree dated 27.01.2017 in O.S.No.20 of 2008 passed by the Court of the District Munsif, Madurai Taluk and to restore the decision of the trial Court, to decree the said suit as prayed for in the plaint and thus allow the Second Appeal.

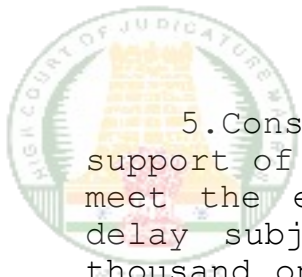
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.S.BALASURAMANIA IYER, Advocate for the petitioner and of MR.G.SRIDHARAN, Advocate for R1 and of MR.T.R.SUBRAMANIAN, Advocate for R2, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 224 days in filing the above Second Appeal.

2.It is stated in the petition that the petitioner/ appellant has filed S.A(MD)No.SR 46410 of 2018 on the file of this Court with a delay of 224 days. Further it is stated in the petition that due to wrong information given to him as to the date of Judgment in the appeal, the delay mentioned in the petition has occurred and in order to condone the same, the present petition has been filed.

3.On the side of the first respondent, a counter has been filed, wherein it is stated that the reason given in the petition is not acceptable. Thus, he prayed to dismiss the petition.

4.Heard the learned counsel appearing for both sides and perused the materials available on record.



5.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, to meet the ends of justice, 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.

6.This petition is accordingly ordered.

7.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/-
15/03/2019

/ TRUE COPY /

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

TO

- 1.THE 1ST ADDITIONAL SUBORDINATE JUDGE, MADURAI.
- 2.THE DISTRICT MUNSIF, MADURAI.

COPY TO:-1.THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

2.THE SECTION OFFICER,
ACCOUNTS SECTION,
CHIEF JUSTICE RELIEF FUND,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

ORDER
IN
CMP(MD) No.11083 of 2018
IN
SA(MD) No.SR46410 of 2018
Date :15/03/2019