



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

Thursday, the Fourth day of July Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice S.S.SUNDAR**

**CMP(MD) Nos.11459 and 11460 of 2018**

**IN**

**SA(MD) No.SR46972 and 46975 of 2018**

1 N.NAGAPPAN,

2 M.PALANIAPPAN,

... PETITIONERS/APPELLANTS  
IN BOTH PETITIONS

Vs

1 A.V.L.A.R.M. PALANIAPPAN,

2 M.R.MUTHIAH,

3 A.V.M.P.L. AVICHI @ CHANDRU,

4 R.M.MUTHURAMAN,

5 A.V.P.L.AVICHI @ THIAGARAJAN,

6 P.L.CHIDAMBARAM,

7 C.T.PALANIAPPAN,

8 V.ANNAMALAI,

9 M.THENAPPAN,

10 M.ANNAMALAI CHETTIAR,

11 M.MEYYAPPAN,

12 A.R.PALANIAPPAN,

13 R.RATHINASAMY,

14 R.GAYATHRI,

... RESPONDENTS/RESPONDENTS  
IN CMP(MD).NO.11459 of 2018 in  
in SA(MD).NO.SR46972 of 2018

1.D.Raghavan Chettiar

2.R.Rathinam

3.R.Gayathri

... RESOPONDENTS/RESPONDENTS  
IN CMP(MD).NO.11460 of 2018 in  
in SA(MD).NO.SR46975 of 2018

**Prayer in CMP(MD) . 11459/ 2018 in SA(MD) No.SR46972 of 2018 :**

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 724 days in filing the Second Appeal and thus render justice.

**Prayer in SA(MD) No.SR46972 of 2018:**

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

To set aside the judgment and Decree dated 22.04.2015 in A.S.No.28 of 2014 on the file of the District Judge, Sivagangai



confirming the judgment and decree dated 30.08.2013 in O.S.No.2 of 2011 on the file of the Subordinate Judge, Devakottai and allow the second appeal as prayed for and thus render justice.

**Prayer in CMP(MD). 11460/ 2018 in SA(MD) No.SR46975 of 2018 :**

To condone the delay of 1105 days in filing the Second Appeal and thus render justice.

**Prayer in SA(MD) No.SR46975 of 2018:**

To set aside the judgment and Decree dated 22.04.2015 in A.S.No.29 of 2014 on the file of the District Judge, Sivagangai confirming the judgment and decree dated 30.08.2013 in O.S.No.168 of 2011 on the file of the Subordinate Judge, Devakottai and allow the second appeal as prayed for and thus render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.AL.GANTHIMATHI, Advocate for the petitioner in both petitions and of MR.S.MANIKANDAN, Advocate for R1 to R12 IN CMP(MD).NO.11459 of 2018 in SA(MD).NO.SR46972 of 2018 and MR.A.L.KANNAN, Advocate for R13 & R14 IN CMP(MD).NO.11459 of 2018 in SA(MD).NO.SR46972 of 2018 and R1 to R3 in IN CMP(MD).NO.11460 of 2018 in SA(MD).NO.SR46975 of 2018, the court made the following order:-

These petitions are filed to condone the delay of 724 and 1105 days in filing the above second appeals, respectively.

2.This Court is convinced with the reasons stated in the affidavit filed in support of these petitions. However, the delay is inordinate and serious prejudice is caused to the respondents. In such circumstances, this Court is inclined to allow these petitions on terms.

3.Accordingly, these petitions are allowed and the delay is condoned on condition that the petitioners pay a sum of Rs.2,000/- in each cases to the respondents within a period of two weeks from the date of receipt of a copy of this order, failing which, these petitions shall automatically be dismissed without further reference to Court.

4.Registry is directed to number the appeals, if the papers are otherwise in order, after showing proof for payment.

sd/-  
04/07/2019

/ TRUE COPY /



1. THE SUBORDINATE JUDGE,  
DEVAKOTTAI.

2. THE DISTRICT JUDGE,  
SIVAGANGAI.

COPY TO:

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

ORDER  
IN

CMP (MD) Nos. 11459 and 11460 of 2018  
IN

SA (MD) No. SR46972 and 46975 of 2018  
Date : 04/07/2019

cmr

AE/JC/SAR-III (15.07.2019) 3P 4C