



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.8533 of 2018

IN

SA(MD) No.SR18730 of 2018

RAJENDRAN

... PETITIONER/PETITIONER

Vs

1.HDFC BANK BRANCH MANAGER,
NO.29, NEAR KAMARAJAR ROAD CIRCUIT,
COIMBATORE TOWN.

2.THE GENERAL MANAGER,
T.N.S.T.C, TRICHI BYPASS ROAD,
DINDIGUL TOWN.

3 THE SECRETARY,
R.M.T.C EMPLOYEES COOPERATIVE SOCIETY,
POOKKUVARATHUPATTI VILLAGE, DINDIGUL DISTRICT.

4 THE SPECIAL OFFICER,
R.M.T.C EMPLOYEES COOPERATIVE SOCIETY,
NEAR KANNAN MILK DEPARTMENT,
PALANI ROAD, DINDIGUL DISTRICT. ... RESPONDENTS/RESPONDENTS

(The 2nd respondent set ex-parte in both lower
Courts, hence notice to him may be dispense with)

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 238 days in filing the second appeal and
thus render justice.

PRAYER IN SA(MD) No.SR18730 of 2018:-

To prefer this Memorandum of grounds of Second Appeal against
the Judgment and decree in A.S.No.57 of 2015 dated 02.06.2017 on the
file of the Additional Sub Court, Dindigul reversing the Judgment
and decree passed in O.S.No.123 of 2008 dated 15.04.2015 on the file
of the Principal District Munsif Court, Dindigul.

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.G.CENIL, Advocate for the petitioner, the court
made the following order:-



This petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that this Court allowed this petition, by order dated 01.03.2019, subject to the payment of cost of Rs.1,000/- to the Legal Services Committee, attached to this Bench. The order copy was made ready on 07.03.2019. But, due to inadvertence, the petitioner has paid cost of Rs.1,000/- with one day delay ie., on 15.03.2019 and therefore, the Registry returned the cost memo and refused to number the second appeal. Thus, he prayed to accept the payment made by the petitioner and to direct the Registry to number the second appeal.

3. Considering the submission of the learned counsel for the petitioner and also considering the fact that the petitioner has paid cost of Rs.1,000/- to the Legal Services Committee, this Court is inclined to hold that the condition imposed in the order, dated 01.03.2019, is complied with. Hence, this Registry is directed to accept the cost memo and number the appeal, if it is otherwise in order.

sd/-

01/04/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL SUBORDINATE JUDGE,
DINDIGUL.

2.THE PRINCIPAL DISTRICT MUNSIF,
DINDIGUL.

COPY TO:

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

2.THE OFFICER INCHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER

IN

CMP (MD) No.8533 of 2018

IN

SA(MD) No.SR18730 of 2018

Date :01/04/2019