



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

Friday, the Twenty Second day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.9095 of 2018
IN
SA(MD) No.SR9901 of 2014

A.XAVIER

... PETITIONER/APPELLANT/
1st APPELLANT/1st PLAINTIFF

Vs

(*)1 A.CHRISTHURAJ

2 A.MICHAEL

3 M.SOOSAI

4 A.AROKIYA MARY

5 SR.S.JEBHAMALAI

6 S.AMALORBAVA MARY

7 S.SAHAYA MARY

8 S.MERCY ANTHONIMARY

... 1 TO 8 RESPONDENTS/1 TO 8 RESPONDENTS/
1 TO 8 RESPONDENTS/DEFENDANTS

9 A.PETER

... 9th RESPONDENT/9th RESPONDENT/
2nd APPELLANT/2nd PLAINTIFF

(CAUSE TITLE ACCEPTED VIDE COURT ORDER DATED 16/07/2018 IN CMP(MD) No.6008/2018 in SA(MD) SR No.9901/14 by GRSJ)

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 277 days in filing an appeal against the Decree and Judgment in A.S.No. 3/2010 passed by the Principal Sub Judge, Dindigul dated 20.02.2013 and in O.S.No. 641/2002 on the file of the Additional District Munsif Court, Dindigul dated 18.11.2009 and thus render justice.

PRAYER IN SA(MD) No.SR9901 of 2014:

To allow this appeal and set-aside the Decree and Judgment in A.S.No.3/2010 passed by the Principal Sub. Judge, Dindigul dated 26.02.2013 and in O.S.No.541/2002 on the file of the learned Additional District Munsif Court, Dindigul, dated 19.11.2009.

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.R.MANICKAM, Advocate for the petitioner and of MR.R.SUBRAMANIAN, Advocate for R1 and MR.D.SELVARAJ, Advocate for R9, the court made the following order:-



This petition has been filed by the petitioners seeking to condone the delay of 277 days in filing the above appeal.

2. Heard the learned counsel for the petitioner as well as the respondents 1 and 9. No serious objections raised by the respondents. Though private notice served to the respondents 2 to 8, they did not appear either in person or through any counsel.

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.1,000/-. (Rupees one thousand only) to the Legal Aid 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. This petition is accordingly ordered. 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/-
22/02/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
DINDIGUL.

2 THE ADDITIONAL DISTRICT MUNSIF COURT,
DINDIGUL.

COPY TO:

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

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

ORDER
IN
CMP(MD) No.9095 of 2018
IN
SA(MD) No.SR9901 of 2014
Date :22/02/2019