



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.9563 of 2018
IN
SA (MD) No.SR3989 of 2018

S.AROKIAM

... PETITIONER/ APPELLANT/
APPELLANT/ PLAINITFF

Vs

S.SOOSAI MANICKAM (DIED)
S.THAVAMANI (DIED)

1 TA.ANNAMUTHU
2 VEDHAMMAL
3 PETRIC

4 *JAILO MERI
(AMENDED AS PER ORDER IN I.A.NO.79/18
ALLOWED ON 20.07.2018)

5 SIRUMALAI
6 MICHEAL AMMAL
7 G.SELVI
8 THILAGAMARY
9 SURESH
10 P.GNANASOUNDARI
11 A.ELIZABETHRANI
12 EMAKULATE
13 S.MARIYAVALLAVAN ARASU
14 S.MARTIN
15 JEROLD
16 PAUL

... RESPONDENTS/ RESPONDENTS/
DEFENDANTS

(DEFENDANTS 1 TO 5 IMPEADED AS L.Rs OF THE DECEASED 2nd DEFENDANT AS
PER ORDER IN I.A.NO.488/2011 DATED 30.11.2012 AND AMENDED AS PER
ORDER IN I.A.NO.495/2012, DATED 18.01.2013)
(DEFENDANTS 6 TO 16 IMPEADED LATE OF DECEASED 1st DEFENDANT AS PER
ORDER IN I.A.NO.160 OF 2016 DATED 11.11.2016)

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 156 days in representing the Second Appeal on
07.08.2018 instead to present the same on or before 02.03.2018 and
thus render justice.

PRAYER IN SA(MD) No.SR3989 of 2018:

To allow this appeal by setting aside the judgment and decree of both the appellate court and trial court passed by the Honourable Sub Judge, Devakottai in A.S.No.50 of 2014 dated 01.11.2017 and the Honourable District Munsif, Devakottai in O.S.No.118 of 2006 dated 17.04.2014 respectively in respect of 'A' schedule property and decree the suit in respect of 'A' schedule property as prayed for in the suit and thus render justice.

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.T.JOSEPH JEYAKUMAR, Advocate for the petitioner and of Mr.K.BAALASUNDARAM, Advocate for R1 to R3, and R4 TO R16 not appeared either in person or by an advocate, the court made the following order:-

Heard.

2.This petition has been filed by the petitioner seeking to condone the delay of 156 days in representing the above appeal.

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.500/-. (Rupees five hundred 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.

4. It is represented that the rank of the respondents have been wrongly assigned in this petition and the Vakalath has been erroneously returned by the Registry. Hence, The Registry is directed to carry out necessary correction and in the event of payment of cost, number the appeal if it is otherwise in order and list the same "for admission" forthwith.

sd/-

28/02/2019

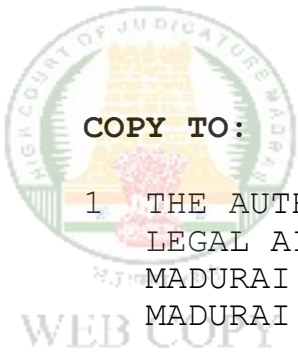
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUBORDINATE JUDGE, DEVAKOTTAI.

<https://hcservices.ecourts.gov.in/hcservices/>
2. THE DISTRICT MUNSIF, DEVAKOTTAI.

**COPY TO:**

- 1 THE AUTHORISED OFFICER,
LEGAL AID SERVICES COMMITTEE,
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.9563 of 2018
IN
SA (MD) No.SR3989 of 2018
Date :28/02/2019

MS/JC/SAR-4/05.03.2019/3P.5C