

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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

AS (MD) No.7 of 2014

M.RAMASAMY

... APPELLANT/DEFENDANT

Vs

M.R.VIJAYAN

... RESPONDENT/PLAINTIFF

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to allow this appeal by setting aside the judgment and decree dated 12.07.2013 in O.S.No.32/2011 on the file of the Principal District Court, Theni and thus allow the appeal 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.PALA. RAMASAMY, Advocate for the Appellant and of Mr.G.RAJA GANAPATHY, Advocate for the Respondent, the court made the following order:-

Today when the appeal is taken up for hearing, the learned counsel appearing for the appellant seeks adjournment for submitting his arguments. .

2.As per the details found in the case records, it appears that this appeal was filed in the year of 2014 and thereafter, frequently adjourned from time to time and finally listed on 10.04.2019. On that day, when the matter was taken up for hearing the learned counsel appearing for the appellant was present and ask adjournment. After, considering his request, the matter is directed to be listed today. But, today also he seeks further time for submitting his arguments.

3.On the other hand, the learned counsel appearing for the respondent made a representation that the parties are suffered like anything due to the pendency of the appeal.

4.Now considering the either side submission it is true since the suit is filed for the relief of partition, if the same was not reached finality within a reasonable time, it will curtail the right of party. Asking adjournment by the appellant repeatedly would go to show that he is attempting to prolong the proceedings. Hence, I

am of the opinion that it is a fit case to impose a day cost for adjourning the matter. Hence, the learned counsel appearing for the appellant is directed to pay a sum of Rs.2,000/- to the credit of the Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai.

5.Post the matter on 30.04.2019.

sd/-
16/04/2019

/ TRUE COPY /

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

TO
THE PRINCIPAL DISTRICT MUNSIF,
THENI.

COPY TO:

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

ORDER
IN
AS (MD) No.7 of 2014
Date :16/04/2019

TK/MMS/SAR-4/27.04.2019/2P/3C

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