



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twentieth day of November Two Thousand and Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) . No.9321 of 2019 in S.A.No.1798 of 2003

1.The Tahsildar

Taluk Office Tirunelveli Having its
Office at Swami Nellaippar High Road
Tirunelveli.

2.The State Of Tamil Nadu,

Through the District Collector,
Tirunelveli Kattabomman District,
Having its office at Kokkirakulam
Tirunelveli - 627 009

... Petitioners/Appellants

Vs

C.T.Kumarappan

... Respondent/Respondent

Prayer in CMP(MD) . No.9321 of 2019:-

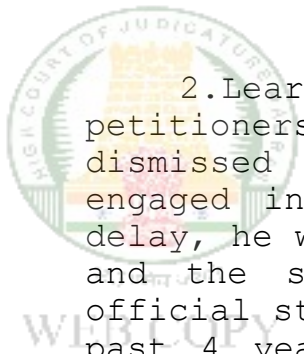
This Petition is filed Under Section 5 of the Limitation Act praying to condone of the delay of 1992 days in filing the restoration petition to set aside the dismissal order dated 14.03.2014 in S.A(MD) No. 1798 of 2003 and thus render justice.

Prayer in S.A.No.1798 of 2003:-

This Second Appeal is filed Under Section 100 of Civil Procedure Code praying the grounds of Second Appeal against the Judgement and decree dated 06.04.2000 made in A.S.No.90/99 on the file of the learned Principal District Judge, Tirunelveli, confirming the Judgement and decree dated 25.1.1999 made in O.S.No.194/97 on the file the learned I Additional District Munsif, Tirunelveli.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.Gunaseelanmuthiah, Additional Government Pleader, for the Petitioner and of Mr.Raguvaran, Advocate for the respondent, this Court made the following order:

This petition is to condone the delay of 1992 days in filing the petition for restoration of the second appeal which was dismissed for non prosecution on 14.03.2014.



2.Learned Additional Government Pleader appearing for the petitioners would submit that on the day when the appeal was dismissed for non prosecution, the learned Government counsel was engaged in another court and in support of the reasons for the delay, he would submit that the concerned suit clerk was transferred and the said post was continuously vacant due to shortage of official staff and therefore, the case could not be followed for the past 4 years. Thus, he would submit that the delay is neither wilful nor wanton and would pray to condone the same.

3.In my opinion, the reason cited for such a long delay cannot be accepted and the affidavit filed in support of the delay condonation petition is bereft of explanation. The petitioners have come out with the present petition after a period of more than five years. The petitioners have to offer reason for each and every day delay. The delay is very enormous and no sufficient reason has been assigned to condone the delay. Therefore, I am not inclined to condone the delay.

Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1.The Principal District Judge, Tirunelveli.
- 2.The I Additional District Munsif, Tirunelveli.

Copy to:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 20/11/2019

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ORDER
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CMP(MD) . No.9321 of 2019
in S.A.No.1798 of 2003

Giving direction and etc.
as stated within.

DB (CO)
TR(06.12.2019) 2P 4C