

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

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.11158 of 2018

IN

SA(MD) No.SR23535 of 2008

1 KRISHNAMMAL
2 IYYANAR
3 DURAIPANDI

... PETITIONERS/ PETITIONERS

Vs

1 SOUTH INDIAN CHURCH,
TIRUNELVELI DIOCESAN TRUST ASSOCIATION,
THROUGH ITS SECRETARY,
T.SELVIN JEYARAJ.

2 THE TAMIL NADU GOVERNMENT,
THROUGH ITS DISTRICT COLLECTOR,
TIRUNELVELI -2.

3 THE TAHSILDAR,
SANKARANKOVIL TALUK,
SANKARANKOVIL,
TIRUNELVELI DISTRICT.

... RESPONDENTS/ RESPONDENTS

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 3777 days in representing the SA.SR.No. 23535/2008 and pass such other or further orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

PRAYER IN SA(MD) No.SR23535 of 2008:

To allow this Second Appeal by setting the Judgment and Decree of the Subordinate Judge, Sankarankovil passed in A.S.No.115/2005 dated 22.11.2007 confirming the Judgment and Decree of the Additional District Munsif Court, Sankarankovil in O.S.No.176/2004 dated 19.08.2005.

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.P.SENTHUR PANDIAN, Advocate for the petitioner, the court made the following order:-

The delay is more than 11 years in re-presenting the above second appeal papers and the petitioners have not stated convincing reasons, except misplacement of papers in the Advocate's Office, which is a standard format for many Advocates in these kind of cases. The delay is more than 11 years and hence serious prejudice is caused to the respondents.

2.The learned Counsel for the petitioners undertakes to get instructions from his clients, whether, they could pay a sum of Rs.1,00,000/- to compensate the respondents for the delay in re-presenting the appeal.

3.Post the matter next week.

sd/-
08/07/2019

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,
SANKARANKOVIL.

2 THE ADDITIONAL DISTRICT MUNSIF,
SANKARANKOVIL.

ORDER
IN
CMP (MD) No.11158 of 2018
IN
SA (MD) No.SR23535 of 2008
Date :08/07/2019

JM/JC/SAR 4/16.07.2019/2P/3C

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