



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

Wednesday, the Eighteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.513 of 2017

IN

AS(MD) No.SR525 of 2017

1 P.KASIRAJAN

2 S.PERUMAL NAICKER

... PETITIONERS/APPELLANTS

Vs

1 KESAVAN

2 K.SELVARAJ

3 K.MUNIAPPAN @ KUTTI

4 K.NAVANEETHAKRISHNAN

5 KULEBA @ VENKATRAMAN

K.DHARMAR @ SUBBIAH (DIED)

6 K.BALAKRISHNAN

7 K.SEENIVASAN @ KASIPERUMAL

8 V.SUBBIAH

9 PAPPA @ KASI TIRUVENGADASUBBULAKSHMI

10 BALA

11 JOTHI

12 C.SELVARAJ

13 C.PAULRAJ

14 S.INDIRA

15 KASIRAJAN

16 S.APPADURAI

17 S.KRISHNALAKSHMI

18 S.VELMURUGAN

S.VENKATRAMAN (DIED)

19 SUBBURAMAN

20 S.MANI

21 S.VIJAYAN

22 SEETHA

23 SEETHALAKSHMI

24 GANESAMOORTHY

25 CHANDRA

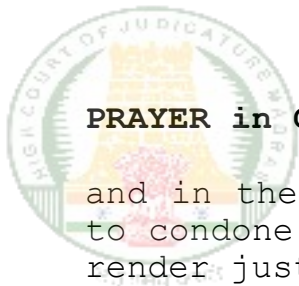
26 RAMANI

27 RANI

... RESPONDENTS/RESPONDENTS

(The Respondents 1 to 18 are the co-plaintiffs in the suit and since the Appellants are not seeking any claim against them the notice may be dispensed with)

<https://hcservices.ecourts.gov.in/hcservices/>



PRAYER in CMP(MD) No.513 of 2017 :

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 107 days in filing the above Appeal suit and render justice.

PRAYER in AS(MD) No.SR525 of 2017:

To set aside the Judgment and Decree dated 18.04.2016 passed in O.S.No.47 of 2010 on the file of the 2nd Additional District Court, Thoothukudi.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.I.ROBERT CHANDRAKUMAR, Advocate for the petitioner and of MR.P, RONALD, Advocate for R1, R3 to R7, R11, R12, R16 to R18 and MR.T.LAJAPATHI ROY, Advocate for R19 & R22 to R25, the court made the following order:-

This petition has been filed by the petitioners seeking to condone the delay of 107 days in filing the above appeal.

2. Notice sent to the respondent Nos.20 and 21 has returned with an endorsement "No residence". The learned counsel for the petitioners submitted that the respondent Nos.20 and 21 are only formal parties and hence, notice may be dispensed with in respect of them. The said statement is recorded.

3. The learned counsel appearing for the other respondents have no objection in allowing this petition.

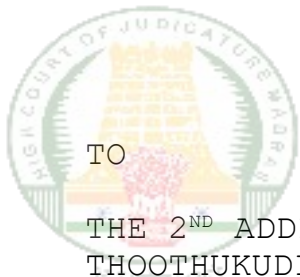
4. Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to allow this petition subject to the payment of cost of Rs.500/- (Rupees five hundred only) to the Legal Services Committee, attached to this Bench, within a period of one week from the date of receipt of copy of this order, failing which this petition shall stand automatically dismissed without any further reference to this Court.

5. This petition is accordingly ordered.

sd/-
18/09/2019

/ TRUE COPY /

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



TO

THE 2ND ADDITIONAL DISTRICT COURT,
THOOTHUKUDI.

COPY TO : THE OFFICER INCHARGE, LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP (MD) No.513 of 2017

IN

AS (MD) No.SR525 of 2017

Date :18/09/2019

GCG

PK/JC/SAR-2/25.09.2019 : 3P/3C