



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.P (MD) No.8996 of 2017

in

S.A (MD) No.SR2072 of 2017

WEB COPY

1.R.Kannan
2.P.Vijaya
3.R.Kanagam

... Petitioners/Petitioners

Vs.

1.K.Rajathangam
2.K.Narayanan
3.C.Loganathan
4.Nagercoil Municipal Council,
Rep by its Commissioner,
Nagercoil, Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.
5.A.Vasan,
6.A.Saantha

... Respondents/Respondents

PRAYER (C.M.P. (MD) No.8996 of 2017): Miscellaneous petition filed under Order 41 Rule 3(A) R/w Order 41 Rule 1 and 2 of Code of Civil Procedure, to condone the delay of 535 days in filing the above second appeal.

PRAYER (S.A (MD) No.SR2074 of 2017): This Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgment and decree dated 28.02.2015 made in A.S.No.76 of 2014 on the file of the First Additional Subordinate Judge at Nagercoil confirming the judgment and decree dated 17.09.2013 made in O.S.No.234 of 2007 on the file of the First Additional District Munsif, Nagercoil.

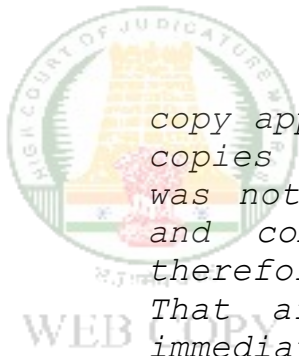
For Petitioner	: Mr.T.Lajapathi Roy
For R-1	: Mr.A.Sivaji
For R-2 to R-6	: No appearance

ORDER

The above petition is filed for condoning the delay of 535 days in filing the second appeal.

2.The reasons given for the delay, are as follows:-

I respectfully submit that after the judgment and decree passed in A.S.No.76 of 2014 on the file of the First Additional Subordinate Judge at Nagercoil. I have filed a



copy application and subsequently I have obtained the judgment copies from First Appellate Court. But in the mean while, I was not able to mobilize the sufficient funds to make steps and come forward by filing the instant second appeal, therefore I couldn't approach and meet my counsel in time. That afterwards, when finally I met my advocate, I was immediately advised to file this application to condone delay of 535 days in filing this Second Appeal.

3.The Court fee is only a sum of Rs.151/-. It is evidently clear that the reasons given for the delay is untrue and false. Further the deponent is employed as a Professor and the 3rd petitioner is a retired headmistress.

4.Considering the fact that sufficient cause is not given to the delay and further as false reasons have been given, this civil miscellaneous petition is dismissed. Consequently, the second appeal, which is in SR stage, is rejected.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1.The First Additional Subordinate Judge, Nagercoil.

2.The First Additional District Munsif, Nagercoil.

+1CC TO MR.T.LAJAPATHI ROY, ADVOCATE, SR NO.103062

+1CC TO MR.A.SIVAJI, ADVOCATE, SR NO.102712

C.M.P (MD) No.8996 of 2017

in

S.A (MD) No.SR2072 of 2017

29.11.2019

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