



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

Wednesday, the Eighteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

C.M.P.(MD) No. 1006 of 2020
in
S.A.(MD)No.SR4439 of 2020

S.SAMIAYYAN

... PETITIONER/APELLANT/PLAINTIFF

Vs

A.JEYAPAL

... RESPONDENT/RESPONDENT/DEFENDANT

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 237 days in filing the above appeal in SA(MD). SR.NO.4439 of 2020

PRAYER IN S.A.(MD)No.SR4439 of 2020:

To set aside the Judgment and Decree dated 15.02.2019 passed in A.S.No.19 of 2015 on the file of the Subordinate Judge, Pattukottai, confirming the Judgment and Decree dated 09.09.2015 passed in O.S.No.52 of 2010 on the file of the District Munsif Cum Judicial magistrate, Orathanadu and to allow the Second Appeal.

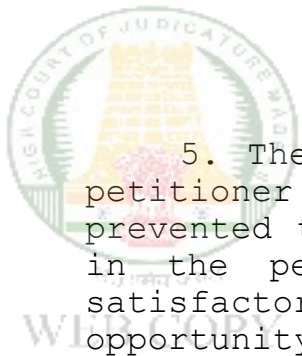
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.LAJAPATHI ROY, Advocate for the petitioner and of MR.D.R.MURUGESAN, Advocate on behalf of the Respondent, the court made the following order:-

Heard both sides.

2. This petition is filed to condone the delay of 237 days in filing the Second Appeal.

3. On the side of the petitioner, it is stated that due to the family circumstances and ill-health, the petitioner was not able to contact his Advocate within the time and hence, prayed that the delay to be condoned.

4. On the side of the respondent, it is stated that the delay is not properly explained by the petitioner and there is no document to show his ill-health and hence, he prayed the petition to be



5. The petitioner has not filed any document to show that the petitioner suffered from ill-health. The family circumstances, which prevented the petitioner to approach the Advocate are not described in the petition. The reasons stated in the petition are not satisfactory. But, in the interest of justice an one more opportunity for the petitioner to putforth his case is to be given.

6. Hence, the delay is condoned and accordingly this Civil Miscellaneous Petition is allowed on payment of Rs.1000/- (Rupees one Thousand only), to the respondent on or before 02.04.2020, failing which, this petition shall stand automatically dismissed without any further reference to this Court.

sd/-

18/03/2020

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

TO

1 THE SUBORDINATE JUDGE,
PATTUKOTTAI.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ORATHANADU.

ORDER

IN

CMP (MD) No.1006 of 2020

in

S.A. (MD) No.SR4439 of 2020

Date :18/03/2020

LS

JM/PN/SAR 3/09.06.2020/2P/3C