



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

Monday, the Ninth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

CMP(MD) No.5474 of 2019
in
SA.(MD)SR.No.22150 of 2015

SHEIK MOHAMED ABDULLAH

... PETITIONER/ PETITIONER/
APPELLANT

Vs

1 MOHAMMED SHARIFF
2 AYISHA SITHIKA
3 SALMA BEEVI
4 A.RAHMATHULLAH

... RESPONDENTS/
RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 520 days in filing the petition for restoring MP(MD) No.1 of 2015 in SA(MD) SR.No.22150 of 2015 and thus render justice.

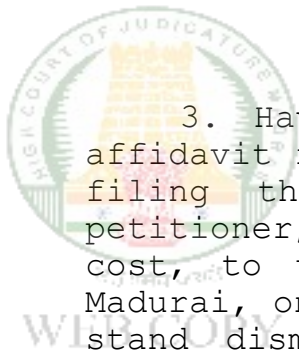
PRAYER IN SA.(MD)SR.No.22150 of 2015:

To present this memorandum of second appeal against the judgment and decree passed in A.S.No.05 of 2013 on the file of the District Judge, Sivagangai dated 07.04.2014 reversing the judgment passed in O.S.No.20 of 2011 on the file of the Subordinate Judge, Devakottai dated 05.11.2012.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.V.RAJASEKARAN, Advocate for the petitioner and of MR.VR.SHANMUGANATHAN, Advocate for the Respondent No.3 and MR.A.RAHMATHULLAH, Advocate for the Respondent NO.4, and R2 not appeared either in person or by an advocate, the court made the following order:-

This Civil Miscellaneous Petition has been filed to condone the delay of 520 days in filing the Second Appeal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 3 & 4. Though notice was served on the second respondent and her name was printed in the cause list, there is no representation on her behalf.



3. Having been satisfied with the reasons assigned in the affidavit filed in support of the Petition, the delay of 520 days in filing the above appeal is condoned on condition that the petitioner, pays a sum of Rs.500/- (Rupees Five Hundred only) as cost, to the credit of the High Court Legal Services committee, Madurai, on or before 23.11.2020, failing which, this petition shall stand dismissed automatically without further reference to this Court.

4. On such payment being made, Registry is directed to number and list the Second Appeal, if it is otherwise in order.

Sd/-
09/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE DISTRICT JUDGE, SIVAGANGAI.
2 THE SUBORDINATE JUDGE, DEVAKOTTAI.

COPY TO:
THE OFFICER INCHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.5474 of 2019
IN
SA(MD) No.SR22150 of 2015
Date :09/11/2020

MS/VR/SAR-4/11.11.2020/2P.4C