



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Seventh day of September Two Thousand and Twenty
PRESENT

WEB COPY

The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) No.4156 of 2020 in
CMA(MD) SR No.67071 of 2019

SYED AMEER ALI

... PETITIONER/APPELLANT

Vs

1. E.S.M.SITHI FATHIMA
AMEER SADIQ(DIED)
2. AMMATH SARIBHA
3. CHINNATHUNEESHA
4. SIRAJEETHA
5. DURRATH PASILA
6. PASEERA
7. LABEERA
8. ABDUL KASEEM
9. FATHIMA
10.MOHAMMED SAHEER
11.AHAMMED JALAL
12.YUSUF HUSSAIN
13.ABDUL KADAR POOGARI

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD) No.4156 of 2020:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order condoning the delay of 144 days in representing the civil miscellaneous appeal in C.M.A.(MD) SR. No. 67071 of 2019 and thus render justice.

Prayer in CMA(MD) SR No.67071 of 2019:

To call for records and set aside the order of remand in the judgement and decree dated 27/03/2019 passed in the appeal in AS No.15 of 2012 on the file of the Principal District Court, Ramanathapuram setting aside the judgement and decree dated 29/03/2012 passed in the suit in OS no.2 of 2005 on the file of the Subordinate Court, Ramanathapuram remanding the suit to the trial court and allow the Civil Miscellaneous 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.R.JEYAPALAM, Advocate for the petitioner, the court made the following order:-

Heard.

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2.This petition has been filed by the petitioner seeking to condone the delay of 144 days in representing the above civil miscellaneous appeal.

3.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 condone the delay 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 two weeks from the date of receipt of copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court.

4.This petition is accordingly ordered.

5.In the event of payment of cost, the Registry is directed to number the civil miscellaneous appeal, if it is otherwise in order and list the same "for admission" forthwith.

sd/-
07/09/2020

/ TRUE COPY /

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1. THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM.
2. THE SUBORDINATE JUDGE, RAMANATHAPURAM.

COPY TO:

THE OFFICER IN CHARGE,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.4156 of 2020 IN
CMA(MD) SR No.67071 of 2019
Date :07/09/2020

SMN
SRS/ VR/ SAR-IV/ 10.09.2020/ 2P/4C

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