



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

Thursday, the Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.DURAI SWAMY
and
The Hon`ble Mr.Justice T.RAVINDRAN

CMP(MD) No.10562 of 2019
in
A.S(MD) SR.No.15697 of 2019

N.HIDDAYATHULLA

... PETITIONER/ APPELLANT

Vs

M.NEELAKUMAR

... RESPONDENT/ RESPONDENT

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 377 days in filing the appeal Suit in AS(MD) SR.No.15697 of 2019.

PRAYER IN A.S(MD) SR.No.15697 of 2019:

To set aside the judgment and decree dated 22.11.2017 made in O.S.No.20 of 2015 on the file of the III Additional District Judge (FAC), Tiruchirappalli.

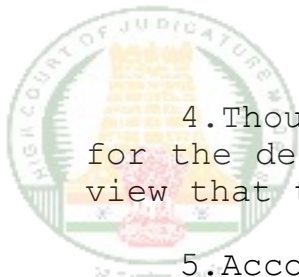
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.ANANDKUMAR, Advocate for the petitioner and of Mr.A.G.RAJAN, Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **M.DURAI SWAMY, J**)

There is a delay of 377 days in filing the first appeal.

2.The learned counsel appearing for the respondent / plaintiff has no objection for condoning the delay.

3.The respondent / plaintiff filed the suit in O.S.No.20 of 2015 on the file of the III Additional District Court (Fast Track Court), Tiruchirappalli, for recovery of money and the trial Court by its Judgement and Decree dated 22.11.2017 decreed the suit. As against the same, the petitioner / defendant has filed the above appeal with a delay of 377 days.



4.Though the petitioner / defendant has explained the reasons for the delay, since the delay is on the higher side, we are of the view that the same can be condoned on payment of costs.

5.Accordingly, the delay of 377 days in preferring the above appeal is condoned on condition that the petitioner / defendant paying a sum of Rs.5,000/- (Rupees Five Thousand Only) as costs to the respondent / plaintiff within a period of two days from today, failing which, the petition shall stand dismissed automatically without further reference to the Court.

6.Accordingly, the petition is ordered.

sd/-
06/02/2020

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

TO
THE III ADDITIONAL DISTRICT JUDGE (FAC),
TIRUCHIRAPPALLI.

ORDER
IN
CMP (MD) No.10562 of 2019 and
A.S (MD) SR.No.15697 of 2019
Date :06/02/2020

MS/PN/SAR-2/06.02.2020/2P.2C