



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

Wednesday, the Fifteenth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.7667 of 2019
IN
SA(MD) SR.No.58930 of 2019

SEKARAN

... PETITIONER/APELLANT

Vs

ARUMUGAM

... 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 336 days in filing the second appeal in S.A.S.R. No.58930 /2019 and thus render justice.

PRAYER IN SA(MD) SR.No.58930 of 2019:

Pleased to set aside the judgment and decree passed in A.S.No.6/2015 dated 13.06.2018 on the file of the Principal District Court, Pudukottai, by reversing the Judgment and decree passed in O.S.No.235/2009 dated 01.02.2014 on the file the Sub Court, Pudukottai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.JEYAKUMARAN, Advocate for the petitioner, the court made the following order:-

The present petition is filed by the plaintiff in a suit for specific performance. There is a delay of 336 days in filing the present appeal and in paragraph No.4 of the affidavit filed in support of this petition, the petitioner states that he has handed over the original judgment and decree to his counsel in Pudukottai. But the said counsel has shifted his office some time in July 2018 and in his transit, he missed the original judgment and decree and entire case papers and later he came to know about missing of bundles. It is under these circumstances, the delay is intervened.

2. In the counter filed by the respondent, it is alleged that the reason stated is not correct and is a story invented by the petitioner to condone the delay.



3. This Court went through the material papers briefly.

4. This Court is satisfied with the grounds stated in paragraph No.4 of the affidavit filed in support of this petition. However, in these circumstances, this Court allows this petition on payment of cost of Rs.2000/- (Rupees two thousand only). The said amount shall be paid to the learned counsel for the respondent within a period of two weeks from today, wherein after the Registry is directed to number the appeal if the papers are otherwise in order. As and when the case is listed for admission, the Registry is directed to print the name of M/s.M.Suresh and Mr.Naveenkumar for the respondent. In the eventuality of the Second Appeal being numbered, the learned counsel for the appellant is directed to serve necessary copies on the respondent.

sd/-
15/07/2020

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

TO

1.THE PRINCIPAL DISTRICT JUDGE,
PUDUKOTTAI.

2.THE SUBORDINATE JUDGE, PUDUKOTTAI.

ORDER
IN
CMP (MD) No.7667 of 2019
IN
SA(MD) SR.No.58930 of 2019
Date :15/07/2020

CM
TK/JC/SAR.3/21.07.2020/2P/3C