



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Wednesday, the Fifth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.3814 of 2016

IN

SA No.476 of 2001

THANGAMMAL

... PETITIONER/PETITIONER

Vs

1.RAHFI
2.MINNAL

... RESPONDENTS/RESPONDENTS

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 1625 days in representing the MP.(MD). SR.No.45587 and 45588 of 2011 in SA.No.476/2001 and thus render justice.

Prayer in MP.(MD).SR.No.45587 of 2011 in SA.No.476/2001:

To condone the delay of 1182 days to set aside the order passed in SA.No.476/2001 dated 10.04.2008 and thus render justice.

Prayer in MP.(MD).SR.No.45588 of 2011 in SA.No.476/2001:

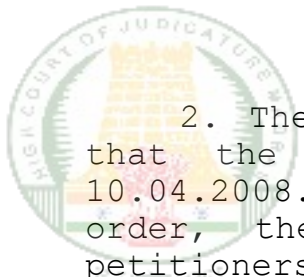
To set aside the order passed in S.A.No.476 of 2001 dated 10.04.2008 and restore the same and decide the case on merits and thus render justice.

PRAYER IN SA No.476 of 2001:

To prefer this memorandum of Grounds of Second Appeal to this Hon'ble Court against the judgment and decree dated 13.07.2000 made in A.S.No.106 of 1998 on the file of the Court of the Principal District Judge, Ramanathapuram confirming the judgment and decree dated 24.12.1997 made in O.S.No.60 of 1993 on the file of the Court of the District Munsif, Paramakudi.

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.JOHN, Advocate for the petitioner and of Mr.V.RAGAVACHARI, Advocate on behalf of the first Respondent, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 1625 days in representing M.P.(MD).SR.Nos.44587 and 45588 of 2011 in S.A.No.476 of 2001.



2. The learned counsel appearing for the petitioner submitted that the above second appeal was dismissed for default on 10.04.2008. In order to file a petition to set aside the said order, there occurred a delay of 1182 days. Therefore, the petitioners presented M.P.(MD).SR.Nos.44587 and 45588 of 2011 for condonation of delay and for setting aside the order. The said petitions were returned pointing out certain defects. Thereafter, the bundle was misplaced. For representing the said petitions, there occurred a delay of 1625 days. In order to condone the same, this petition has been filed by the petitioner. The delay was neither wilful nor wanton. Thus, he prayed to allow this petition.

3. The learned counsel appearing for the first respondent has no serious objection in allowing this petition on payment of cost.

4. Considering the reason stated in the affidavit filed in support of the petition and also considering the length of delay, this petition is ordered subject to the payment of cost of Rs.1,500/- (Rupees one thousand and five hundred only) to the Legal Services Committee, attached to this Bench within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court.

sd/-
05/08/2020

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

TO

- 1.THE DISTRICT MUNSIF,PARAMAKUDI.
- 2.THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM.

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

ORDER
IN
CMP(MD) No.3814 of 2016
IN
SA No.476 of 2001
Date :05/08/2020

gcg
AE/JC/SAR-II (13.08.2020) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>