



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

Thursday, the Sixth day of August Two Thousand Twenty

WEB COPY

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) No.4165 of 2017
IN
SA No.259 of 2003

KASTHURI

... PETITIONER/APPELLANT

Vs

1 K.NELLAMEGAM, S/o.KARUPPIAH

2 K.NELLAMEGAM, S/o.KANNAYIRAM

3 KRISHNAN

4 CHANDRAN

5 BASKARAN

... 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 2490 days in filing the restoration application in SA.259/03 and thus render justice.

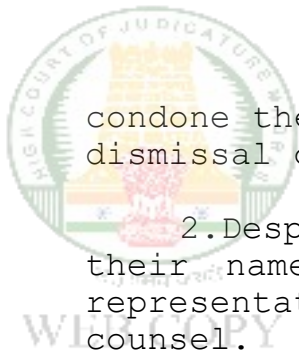
Prayer in SA No.259 of 2003 :

Pleased to set aside the Judgment and decree dated 01.07.2002 in A.S.No.16 of 2001 on the file of Additional District Judge-cum-Judicial Magistrate, Sivaganga confirming the Judgment and decree dated 09.08.1999 in O.S.No.104 of 1998 on the file of Subordinate Judge, Devakottai and dismiss the suit.

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.C.JEYAPRAKASH, Advocate on behalf of the 1st Respondent and the respondents 4 and 5 are not appeared either in person or by an advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to
<https://hcservices.ecourts.gov.in/hcservices/>



condone the delay of 2490 days in filing a petition to set aside the dismissal order dated 26.09.2008 made in S.A.No.259 of 2003.

2.Despite notice being served on the respondents 4 and 5 and their names are being printed in the cause list, there is no representation on behalf of them either in person or through counsel.

3.The learned counsel for the 1st respondent does not have any objection for allowing the petition.

4.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.2,000/- (Rupees two thousand 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.

5.This petition is accordingly ordered.

6.In the event of payment of cost, the Registry is directed to number the restoration petition, if the papers are otherwise in order and list the same for hearing.

sd/-

06/08/2020

/ 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 ADDITIONAL DISTRICT JUDGE CUM JUDICIAL MAGISTRATE,
SIVAGANGAI.
2. THE SUBORDINATE JUDGE, DEVAKOTTAI.



COPY TO:-

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

ORDER
IN
CMP (MD) No.4165 of 2017
IN
SA No.259 of 2003
Date :06/08/2020

SMN
TE/AKM/SAR-II : 12/08/2020 : 3P/4C