



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Fifth day of August Two Thousand Twenty

WEB COPY

PRESENT

The Hon'ble Mr. Justice N. SESHASAYEE

CMP (MD) No.9851 of 2017

IN

SA (MD) No. SR39573 of 2017

V. RAJARETHINAM

... PETITIONER/APPELLANT

Vs

1. T. ANNATHURAI
2. S. NAGANTHAN,
3. S. SELVAMANI
4. S. DHANALAKSHMI
5. O. MEENA
6. M. KUMUTHA
7. K. JEEVA @ JEEVAREKHA
8. J. SEKAR

... RESPONDENTS/RESPONDENTS

Prayer in CMP (MD) . 9851/ 2017 :

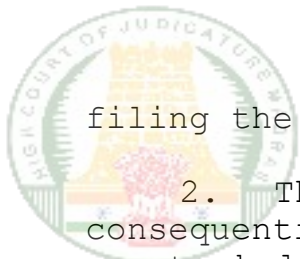
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 634 days in filing the above second appeal against the judgment and decree in AS.No.12 of 2014 on the file of Principal Subordinate , Thanjavur dated 28.8.2015 confirming the judgment and decree in O.S.No.19 of 2010 on the file of the District Munsif, Thiruvaiyaru dated 28.10.2013 and thus render justice.

Prayer in SA (MD) No. SR39573 of 2017:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased call for the records relating to the Judgment and decree in AS No.12 of 2014 on the file of Principal subordinate Court, Thanjavur dated 28.08.2015 confirming the judgment decree in OS No.19 of 2010 on the file of the District Munsif, Thiruvaiyaru dated 28.10.2013 and set aside the same and allow this second appeal and thus render justice.

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.S.ANWAR SAMEEM, Advocate for the petitioner and of MR.B.LENIN on behalf of the first respondent, the court made the following order:-

<https://hcservices.courts.gov.in/hcservices/> This petition is filed to condone the delay of 634 days in



filing the Second Appeal.

2. The suit is filed for declaration and for other consequential reliefs. The suit was decreed concurrently by the courts below challenging which the first defendant has come before this Court. In the affidavit filed in support of the petition it is stated that the petitioner/first defendant is only an agriculturist and does not know nuances in the law and there was a huge communication gap in understanding the counsel's advise.

3. The learned counsel for the petitioner made his submission in tune with his statement in the affidavit.

4. Heard the learned counsel for the respondents.

5. In civil law, there is no presumption that everybody knows law, some may be illiterate and some may be illiterate and all the citizens may not be in a proper perspective.

6. This Court finds reasons enough to condone the delay, but on cost of Rs.8000/-, since there would be considerable inconvenience to the respondents.

7. The learned counsel for the respondents now would submit that out of the cost awarded by this Court, Rs.2000/- may be paid to the credit of the Advocate Clerks Association attached to Madurai Bench of Madras High Court.

8. Accordingly, the delay of 634 days in filing the above Second Appeal is condoned subject to payment of Rs.8,000/- (Rupees Eight Thousand only) within a period of 15 days from the date of receipt of the Order copy, out of which Rs.2000/- is directed to be paid to the Advocate Clerks Association attached to Madurai Bench of Madras High Court and Rs.6000/- shall be paid to the respondents.

9. After ascertaining such payment, the Registry is directed to number the appeal, if the papers are otherwise in order.

10. As and when the appeal is numbered and listed for admission, the Registry is directed to print the name of Mr.Lenin, learned counsel for the first respondent.

sd/-
05/08/2020

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



TO

1. THE PRINCIPAL SUBORDINATE JUDGE,
THANJAVUR.

2. THE DISTRICT MUNSIF,
THIRUVAIYARU.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP (MD) No.9851 of 2017 IN

SA (MD) No.SR39573 of 2017

Date :05/08/2020

CM

SRS/ JC/ SAR-II/ 12.08.2020/ 3P/4C