



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

Tuesday, the Twenty Second day of September Two Thousand Twenty

WEB COPY

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) No.12094 of 2019

IN

SA No.2043 of 2001

1 BALASUBRAMANIAN (DIED)
2 PANDARINATHAN
3 MARIMUTHU
4 RADHAKRISHNAN
5 SUNDARESAN
6 SELVAGANESH
7 THANGA GURUVAMMAL

... PETITIONERS/PETITIONERS/
APPELLANTS

Vs

1 PAULRAJAN (DIED)
2 MANORANJITHAM
3 P.PONMARIMUTHU
4 U.MEENAKSHI
5 D.VIJAYALAKSHMI
6 P.SARAVANAMOORTHY

... RESPONDENTS/RESPONDENTS/
PROPOSED 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 48 days in filing the petition to restore the CMP.No.7566, 7567 and 7568 of 2019 in SA(MD)No.2043 of 2001, which was dismissed for non-payment of the cost awarded by this Honourable Court by the order dated 17.09.2019.

Prayer in SA No.2043 of 2001:

Second Appeal against the Judgment and decree made in A.S.No.36 of 2000 on the file of the Sub Court, Srivilliputhur dated 31.08.2001 in confirming the Judgment and decree made in O.S.No.336 of 1998 on the file of Principal District Munsif Court, Srivilliputhur dated 22.09.2000.

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.KADARKARAI, Advocate for the petitioners and



of MR.D.SRINIVASARAGAVAN, Advocate on behalf of the Respondents, the court made the following order:-

This petition has been filed seeking to condone the delay of 48 days in filing the petition to restore CMP Nos.7566, 7567 and 7568 of 2019 in SA(MD) No.2043 of 2001, which was dismissed for non-payment of the cost, awarded by this Court on 17.09.2019.

2. The learned counsel for the respondent has no objection in allowing the condone delay petition.

3. Considering the above and taking into consideration the length of the delay, this Court is inclined to allow the petition and the petitioner is directed to pay the cost imposed by this Court earlier, within a period of two weeks from the date of receipt of copy of this order, failing which the petition shall stand dismissed automatically without any further reference to this Court. The petition is accordingly ordered.

4. In the event of payment of cost, Registry is directed to carry out necessary amendment in the main second appeal.

sd/-

22/09/2020

/ TRUE COPY /

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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 PRINCIPAL DISTRICT MUNSIF, SRIVILLIPUTHUR.
2. THE SUBORDINATE JUDGE, SRIVILLIPUTHUR.

ORDER
IN
CMP (MD) No.12094 of 2019
IN
SA No.2043 of 2001
Date :22/09/2020

VRN

TE/JC/SAR-III : 14/10/2020 : 2P/3C

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