

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT:-

THE HON`BLE MS.JUSTICE P.T.ASHA

CMP.NO.9801 OF 2019
IN
SA.SR.No.92032 OF 2015

1. Nagappan
S/o.Murugesu Koundar,
 2. Lakshmi
W/o.Late Natarajan
 3. Janakiraman
S/o.Late Natarajan
 4. Sankar
S/o.Late Natarajan
 5. Manikandan
S/o.Late Natarajan
 6. Arikrishanan
S/o.Late Natarajan
 7. Sasikala
W/o.Late Natarajan
- ... Petitioners/Appellants

Vs

1. RATHINA KOUNDAR
S/O LATE MURUGESA KOUNDAR
PERUMUKKAL VILLAGE
TINDIVANAM TK, VILLUPURAM DT.
2. VEERASMAY GOUNDER
S/O LATE MURUGESA KOUNDAR
PERUMUKKAL VILLAGE
TINDIVANAM TALUK,
VILLUPURAM DISTRICT.

3. KUMARAVEL
S/O.LATE GOVINDASAMY KOUNDER
PERUMUKKAL VILLAGE,
TINDIVANAM TALUK
VILLUPURAM DT.

... Respondents/Respondents

Prayer:-

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 1125 days in representing the above S.A in S.A.S.R.No.92032 of 2015.

S.A.S.R.No.92032 of 2015:-

To set aside the Judgment and Decree dated 22.02.2010 made in A.S.No.10 of 2009 on the file of the Additional District and Sessions Judge, Fast Track Court No.II, Tindivanam, confirming the Judgment and Decree dated 22.04.2008 made in O.S.No.70 of 2004 on the file of the Additional District Munsif Court, Tindivanam.

ORDER:-

This Petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.Suresh Sakthi Murugan, Advocate for petitioners and of Mr.M.R.Thangavel, Advocate for 1st Respondent, this Court made the following order:-

The above application is filed for condoning the delay of 1125 days in re-presenting the Second Appeal.

2.It is noticed that the Second Appeal has been filed without certified copies of the Judgment and Decree of the First Appellate Court. The Appeal has been filed only on 30.10.2015 and it was returned on 03.11.2015. In the meanwhile, the appeal petition has been re-presented on 29.04.2016 with a delay of 167 days in representation. Thereafter, once again the appeal petition which was returned on 05.05.2016 has been re-presented only on 19.04.2018 and there is a delay of 702 days in the second re-representation and thereafter, the delay of 250 days in the third re-representation. In all, there has been a delay of 1125 days in re-presenting the appeal.

3.Notice was ordered in the above matter. The 1st respondent is the contesting respondent has entered appearance through counsel.

4.The learned counsel for the 1st respondent vehemently opposed to the petition being allowed.

5.Considering the fact that the petition is one for condoning the delay in re-presenting the papers and the delay primarily emanated on the part of the learned counsel for the petitioners and not on account of a lapse on the part of the petitioners/appellants, this Court is inclined to condone the delay on condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees five thousand only) to the learned counsel for the 1st respondent by 17.08.2021.

For reporting compliance, post on 18.08.2021.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Additional District and Sessions Judge,
Fast Track Court No.II, Tindivanam.
2. The Additional District Munsif,
Tindivanam.

Order Dated :- 05.08.2021

ORDER:-

CMP.No.9801 of 2019
in SA.SR.No.92032 of 2015

Giving directions
etc., as stated within.

RSV(CO)
CS/11/08/2021