



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr. Justice A.A. NAKKIRAN

CMP(MD) No.2495 of 2021

and

SA(MD) No.SR5840 of 2019

RUBY DYANA BAI

... PETITIONER/APPELLANT

Vs

JENNY JEROM

(REP. BY HER FATHER SELVARAI)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 127 days in filing the above Second Appeal/

Prayer in SA(MD) No.SR5840 of 2019:

Second Appeal filed may be pleased to allow this Appeal and set aside the Judgment and Decree dated 09.04.2018 passed by the Learned District Judge, Kanyakumari at Nagercoil, in A.S. 15 of 2016 in conforming the judgment and decree in O.S. 23 of 1997 dated 02.01.2014 on the file of Subordinate Judge, Padmanabhapuram, in so far as they are against the appellants are concerned, and dismiss the suit with cost.

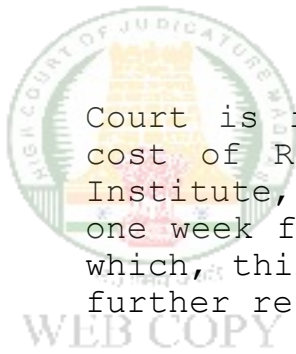
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.H.THAYUMANASWAMY, Advocate for the petitioner and of Mr.K.N.THAMPI, Advocate on behalf of the Respondent, the Court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 127 days in filing the Second Appeal.

2.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3.The learned counsel for the respondent has objected for allowing this petition.

4.Considering the reasons stated in the affidavit filed in support of the petition and considering the length of delay, this



Court is inclined to condone the delay subject to the payment of cost of Rs.500/- (Rupees five hundred only) to the Adyar Cancer Institute, Adyar, Chennai, through online payment within a period of one week 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.

5. In the event of payment of cost, the Registry is directed to number the appeal, if it is otherwise in order.

sd/-

28/04/2021

/ TRUE COPY /

/ /2021

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

TO

1. THE DISTRICT JUDGE,
KANYAKUMARI AT NAGERCOIL.
2. THE SUBORDINATE JUDGE,
PADMANABHAPURAM.

COPY TO:

THE OFFICER INCHARGE,
ADYAR CANCER INSTITUTE,
ADYAR, CHENNAI.

ORDER

IN

CMP(MD) No.2495 of 2021 and

SA(MD) No.SR5840 of 2019

Date :28/04/2021

CM/MSA

SRS/PN/SAR-II/13.05.2021/3P/4C