



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

Wednesday, the Twentieth day of October Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CMP(MD) No.1661 of 2020
in
SA(MD) SR.No. 4011 of 2020

MARIYAMMAL

... PETITIONER/APPELLANT

Vs

1 ATCHANNA

2 ATCHAMMAL

... RESPONDENTS/RESPONDENTS

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 126 days in filing the above Second Appeal against the Judgment and Decree dated 28.02.2019 passed in A.S. No. 45 of 2015 on the file of the Learned Sub Court, Kovilpatti, Tuticorin District Confirming the Judgment and Decree dated 04.07.2015 passed in O.S.No. 199 of 2013 on the file of the District Munsif Court, Kovilpatti, Tuticorin District.

PRAYER IN SA(MD)SR.NO.4011 of 2020

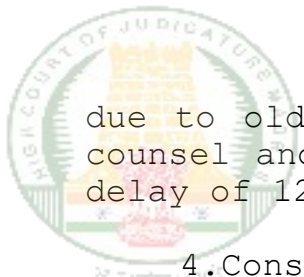
Pleased to set aside the Judgment and Decree dated 28.02.2019 passed in A.S.No. 45 of 2015 on the file of the Learned Sub Court, Kovilpatti, Tuticorin District confirming the Judgment and Decree dated 04.07.2015 passed in O.S.No. 199 of 2013 on the file of the District Munsif Court, Kovilpatti, Tuticorin District by allowing the Second Appeal.

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.S.SADESKUMAR, Advocate for the petitioner and of MR.R.PON KARTHIKEYAN, Advocate, for the Respondents, the court made the following order:-

This Petition has been filed seeking to condone the delay of 126 days in filing the above Second Appeal and to take the Second Appeal on file.

2.Heard, Mr.S.Sadeskumar, learned counsel appearing for the Petitioner/Appellant, Mr.R.Pon Karthikeyan, learned counsel appearing for the respondents and perused the materials placed before this Court.

<https://hcservices.courts.gov.in/hcservices/> 3. The learned counsel for the petitioner would submit that



due to old age ailments, the petitioner was unable to contact his counsel and file the second appeal in time and thereby, there is a delay of 126 days in filing the second appeal.

4.Considering the length of delay and the reasons assigned in paragraph No.3 of the accompanying affidavit, this Court is of the view that this petition may be ordered, on payment of costs.

5.In view of the above, this Petition is ordered and the delay of 126 days in filing the above Second Appeal is condoned, however, on condition that the Petitioner / Appellant pays a sum of Rs.1,000/- (Rupees One Thousand only) to the Advocates Welfare Fund, Madurai Bench of Madras High Court, bearing Account No.7087208431 in Indian Bank, High Court Branch, Madurai, towards costs, within a period of one week from the date of receipt of a copy of this order, failing which, this Petition shall stand automatically dismissed, without further reference to this Court.

sd/-

20/10/2021

/ TRUE COPY /

/ /2021

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

RM

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 SUB JUDGE,
KOVILPATTI, TUTICORIN DISTRICT.

2 THE DISTRICT MUNSIF,
KOVILPATTI, TUTICORIN DISTRICT.

COPY TO

THE OFFICER INCHARGE
ADVOCATE WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER

IN

CMP(MD) No.1661 of 2020

in

SA(MD) SR.No.4011 of 2020

Date :20/10/2021

PKP/TR/SAR-4/25.10.2021/2P/4C