



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand and Twenty One

WEB COPY

PRESENT

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

CMP(MD) No.5914 of 2020

and

SA(MD) SR No.75380 of 2019

VELUSAMY

...APPELLANT/APPELLANT/DEFENDANT

Vs

SHANMUGAM AASARI

...RESPONDENT/RESPONDENT/PLAINTIFF

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 94 Days in filing the Main Second Appeal as against Judgment and Decree dated 13.03.2019 passed in A.S.No.57 of 2016 on the file of the Additional Sub Court, Tenkasi, Confirming the Judgment and Decree dated 22.04.2016 passed in O.S.No.405 of 2006 on the file of the Additional District Munsif Court, Tenkasi.

Prayer in SA(MD) SR No.75380 of 2019:

Second Appeal filed may be pleased to set aside the Judgment and Decree dated 13.03.2019 passed in A.S.No.57 of 2016 on the file of the Additional Sub Court, Tenkasi, confirming the Judgment and Decree dated 22.04.2016 passed in O.S.No.405 of 2006 on the file of the Additional District Munsif Court, Tenkasi, by allowing this 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.D.NALLATHAMBI, Advocate for the petitioner and none appeared either in person or by an 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 94 days in filing the above second appeal.

2. There is no representation for the respondent.

3. Considering the reasons stated in the affidavit filed in support of the petition and also 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 Legal Aid



Service Authority, attached to this Bench, on or before 23.04.2021, failing which, the petition shall stand dismissed automatically without any further reference to this Court.

4.This petition is accordingly ordered.

5.In the event of payment of cost, the Registry is directed to number the appeal, if it is otherwise in order and list the same "for admission".

sd/-
17/04/2021

/ TRUE COPY /

/ /2021
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 ADDITIONAL SUBORDINATE JUDGE,
TENKASI.
2. THE ADDITIONAL DISTRICT MUNSIF,
TENKASI.

COPY TO:

THE LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.5914 of 2020 and
SA(MD) SR No.75380 of 2019
Date :17/04/2021

RMK/CM
SRS/PN/SAR-II/12.05.2021/2P/3C