



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

Wednesday, the Eleventh day of August Two Thousand and Twenty One

PRESENT

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

CMP (MD) NO.6456 OF 2021

IN

S.A (MD) SR.NO.62388 OF 2019

G.SREEKUMARAN NAIR

... PETITIONER/APPELLANT

Vs

G.SANKARANNARAYANAN NAIR

... 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 233 days in payment of deficit court fee of Rs.3,749.50 in S.A.(MD)SR.No.62388 of 2019 and accept the payment of deficit court fee.

PRAYER IN S.A(MD)SR.NO.62388 OF 2019:

To set aside the Judgment and decree, dated 12.04.2019, made in A.S.No.12 of 2016, on the file of the Learned Subordinate Court, Kuzhithurai confirming the judgment and decree, dated 15.10.2015, made in O.S.No.433 of 2012, on the file of the Learned Principal District Munsif Court, Kuzhithurai and allow 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.C.KISHORE, Advocate for the petitioner and of MR.K.N.THAMPI, Advocate for the respondent, the court made the following order:-

This Petition has been filed seeking to condone the delay of 233 days in paying the deficit court fee if Rs.3,749.50/- in the above Second Appeal.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Mr.K.N.Thambi, learned counsel appearing for the respondent expressed his objections by saying that the matter was returned during the year 2019 and it has been represented only in the year 2021.



4.In response, the learned counsel for the petitioner would submit that the pandemic situation has to be taken into consideration and that there was also some miscommunication between the parties.

4.Considering the above-said submission made by the learned counsel appearing on either side, this Petition is ordered and the delay of 233 days in paying the deficit court fee in the above Second Appeal is condoned on condition that the Petitioner pays a sum of Rs.1,000/- (Rupees one thousand only) to the Legal Services Committee attached to this Bench, 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/-

11/08/2021

/ 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 SUBORDINATE COURT,
KUZHITHRAI.

2 THE PRINCIPAL DISTRICT MUNSIF COURT,
KUZHITHURAI.

3 THE AUTHORISED OFFICER,
LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.C.KISHORE, Advocate. SR.No.5284.

ORDER

IN

CMP(MD) NO.6456 OF 2021

IN

S.A(MD) SR.NO.62388 OF 2019

Date :11/08/2021

VSN

MK/VR/SAR.II/12.08.2021/2P/5C