



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the First day of October Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WEB COPY

CMP(MD) No.5333 of 2021

IN

SA(MD) No.621 of 2014

1 Asbar Alikhan,
Rep.by His Power Agent and his mother
Meharnisha

... Petitioner/Appellant

Vs

1 Mehamuda Bevi,

2 Viswanathan

3 Ramakrishnan

... Respondents/ Respondents

Prayer in CMP(MD). 5333 of 2021 :

This petition filed under section 5 of Limitation Act, praying this Court to condone the delay of 1707 days in filing the restoration application to restore the second appeal in S.A.(MD). No.621 of 2014 on the file of this Court.

Prayer in SA(MD). 621 of 2014 :

This Second Appeal filed under section 100 of C.P.C, against the Judgment and Decree dated 24.01.2012 passed in A.S.No.6 of 2011 on the file of the Additional Sub Court, Ramanathapuram confirming the Judgment and Decree dted 20.01.2011 passed in O.S.No.40 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Rameswaram.

ORDER : This petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Murugan, Advocate for the Petitioner and of Mr.S.M.S Johnny Basha, Advocate for the respondents, the court made the following order:-

Heard the learned counsel on either side.

2. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. The delay is condoned and this petition is allowed subject to the condition that the



petitioner is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) towards cost to the credit of Madurai Bench of Madras High Court Advocates Welfare Fund Trust in current A/c. No.7087208431, Indian Bank, Madurai Bench of Madras High Court Branch, IFSC : IDIB000H040.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PMU

To:

1.The Sub Judge,
Ramanathapuram.

2.The District Munsif cum Judicial Magistrate Court,
Rameswaram.

Copy to:-

The Officer Incharge,
Advocates Welfare Fund Trust,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED: 01/10/2021

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ORDER

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CMP (MD) No.5333 of 2021

IN

SA (MD) No.621 of 2014

Giving direction and etc.
as stated within.

RD(8.10.2021) 2P 4C