



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

Monday, the Ninth day of August Two Thousand and Twenty One
PRESENT

WEB COPY

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

CMP(MD) No.5278 of 2021
in
SA(MD)SR.No.25189 of 2021

JEYAMARY

... PETITIONER/APPELLANT

Vs

1 ALPHONES
2 ANTHONY ARUL SEKAR
3 MICHAEL

... 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 1832 days for preferring second appeal against the judgment and decree dated 05-12-2014 in A.S.No.72 of 2013 on the file of the Learned Subordinate Court, Sivagangai and thus render justice.

PRAYER IN SA(MD)SR.No.25189 of 2021:

To set aside the decree and the judgment dated 05.12.2014 rendered in A.S.No.72 of 2013 on the file of the Subordinate Judge, Sivagangai, confirming the decree and the judgment dated 13.03.2013 rendered in O.S.No.261 of 2010 on the file of the District Munsif of Sivagangai, by allowing this Second Appeal and to grant such other relief or reliefs that this Honourable Court may deem fit and proper in the circumstances of the case.

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.A.MOHAN, Advocate for the petitioner, the court made the following order:-

This Petition has been filed seeking to condone the delay of 1832 days in filing the above Second Appeal.

2.The learned counsel for the petitioner would submit that the petitioner is a lady and that she is suffering from heart ailments and due to pandemic period she is unable to meet the counsel and hence there is a delay of 1832 days. He would further submit that the first respondent is the father of the petitioner and there is a likelihood of settlement between them, hence the petition may be allowed on terms and conditions.



3. Notice sent to the respondents R1 and A3 returned as refused. R2 notice served. Court notice served. Private notice to the parties has been served, affidavit of service filed. There is no representation for respondent.

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4. In view of the above submission, this Petition is ordered and the delay of 1832 days in filing 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, within a period of two weeks 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/-
09/08/2021

/ 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 JUDGE,
SIVAGANGAI.

2 THE DISTRICT MUNSIF,
SIVAGANGAI.

COPY TO:

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

ORDER

IN

CMP(MD) No.5278 of 2021 in
SA(MD) SR.No.25189 of 2021
Date :09/08/2021

SA/VR/SAR.3/12.08.2021/2P/4C

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