



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

Wednesday, the Thirtieth day of June Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr.Justice K.KALYANASUNDARAM
and
The Hon'ble Mr.Justice B.PUGALENDHI

CMP(MD) No.5113 of 2021
IN
A.S(MD)SR.No.13458 of 2019

1 M/s.SATYAM EDUCATION TRUST,
REP. BY ITS CHAIRMAN
A.THINAGAR

2 T.ATHISAYARAJA
3 A.THANALAKSHMI
4 A.KANIMOZHY

... PETITIONERS/APPELLANTS

Vs

M/s.I.K.CONSTRUCTION,
REP. BY ITS PROPRIETOR
I.KEZHON

... 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 754 in representing the above appeal in A.S.SR.No.13458 of 2019.

Prayer in A.S(MD)SR.No.13458 of 2019:

To set aside the Judgment and decree dated 28.04.2018 passed in O.S.No.124 of 2012 on the file of learned District Judge, Kanniyakumari Division at Nagercoil.

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.M.P.SENTHIL, Advocate for the petitioners and of Mr.PUHAZH GANDHI, Advocate for the Respondent, the Court made the following order:-

(Order of the Court was made by K.KALYANASUNDARAM.,J)

<https://hcservices.ecourts.gov.in/hcservices/>
This Petition has been filed seeking to condone the delay of 754 days in representing the above Appeal Suit in A.S(MD)SR.No.13458 of 2019.



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

3. The learned counsel for the Petitioners would state that though the appeal suit was filed in time, the appeal papers returned by the Registry could not be represented in time due to the pandemic situation.

4. The learned counsel for the respondent vehemently opposed this Petition, by contending that the respondent has already filed a separate appeal seeking enhancement of interest. Even though the Petitioners have entered appearance in the appeal, but however, had deliberately delayed this matter.

5. However, considering the facts and circumstances of the case this Petition is ordered, on condition that the learned counsel for the Petitioners pay a sum of Rs.5,000/- (Rupees five thousand only) towards costs, to the learned counsel for the respondent 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 any further reference to this Court.

sd/-
30/06/2021

/ 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

THE DISTRICT JUDGE,
KANNIYAKUMARI DIVISION AT NAGERCOIL.

ORDER
IN
CMP (MD) No.5113 of 2021 IN
A.S (MD) SR.No.13458 of 2019
Date : 30/06/2021