



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

Thursday, the Ninth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.7296 of 2021
in
S.A(MD)SR.No.35187 of 2014

PERAMAYEE

... PETITIONER/ APPELLANT

Vs

1 JOTHI
2 RAMESH
3 VAITHIYALINGAM
4 POONGOTHAI
5 TAMIL
6 SAMUNDEESWARI

... RESPONDENTS/ RESPONDENTS

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 763 days in restoring the order passed by this Honourable Court in SA.SR(MD)No.35187 of 2014 dated 22.01.2018 and thus render justice.

PRAYER IN S.A(MD)SR.No.35187 of 2014:

To set aside the judgment and decree passed dated 24.01.2013 made in A.S.No.12 of 2011 on the file of the Additional Subordinate Court, Kumbakonam and modifying judgment and decree passed dated 20.06.2007 made in O.S.No.318 of 2005 on the file of the 1st Additional District Munsif, Kumbakonam and allow 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 M/S.G.GOMATHI SANKAR, Advocate for the petitioner, the court made the following order:-

This Petition has been filed seeking to condone the delay of 763 days in filing the application to restore the order passed in S.A(MD)SR.No.35187 of 2014, which was dismissed for default on 22.01.2018.

2.Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.



3.For the reasons assigned in Paragraph Nos.5 and 6 of the accompanying affidavit and also considering the length of delay, this Court is of the view that this Petition may be ordered, on payment of costs.

4.In view of the above, this Petition is ordered and the delay of 763 days in restoring the S.A(MD)SR.No.35187 of 2014, which was dismissed for non-prosecution on 22.01.2018, is condoned on condition that the Petitioner pay a sum of Rs.500/- (Rupees Five Hundred only) to the Advocate Clerk's Welfare Association, Madurai Bench of Madras High Court, bearing Account No.496039124 in Indian Bank, High Court Branch, Madurai, 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/-

09/12/2021

/ 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,
KUMBAKONAM.

2 THE 1ST ADDITIONAL DISTRICT MUNSIF,
KUMBAKONAM.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP(MD) No.7296 of 2021 in
S.A(MD)SR.No.35187 of 2014

Date :09/12/2021

RM

MS/VR/SAR-2/14.12.2021/2P.4C