



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

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

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

C.M.P(MD)No.5566 of 2021

IN

S.A. (MD)No.SR12443 of 2021

1 S.MURUGAIAH CHETTIAR

2 KANNAMMAL

... PETITIONERS/APPELLANTS

Vs

SIVASANKARAN (DIED)

1 S.SUBRAMANIAN

2 S.RAJAGOPAL

3 M.E.T.MOHAMMED

4 RAMASUBRAMANIAN

5 S.RADHAKRISHNAN

6 UMA

... 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 135 days in filing the second appeal in S.A.SR.No.12443 of 2021.

PRAYER IN S.A. (MD)No.SR12443 OF 2021:

To set aside the Judgment and decree passed in A.S.No.21 of 2013 dated 03-08-2019 on the file of the principal sub-court, tenkasi confirming the judgment and decree passed in O.S.No741 of 2007 dated 19-09-2011 on the file of the Additional District Munsif Court, tenkasi by allowing 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 Mr.H.ARUMUGAM, Advocate for the petitioners and of Mr.G.SRIDHARAN, Advocate for the Respondents 1, 2 & 5, 3rd Respondent none appear either in person or by an advocate, Respondent 4 & 6 Ex-Party, the court made the following order:-

This petition has been filed by the petitioners seeking to condone the delay of 135 days in filing the second appeal.

2.Heard the learned counsel for the petitioners. The learned counsel for the respondents 1, 2 and 5 has strongly opposed to allow this petition.



3.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.500/- (Rupees Five Hundred only) to the Legal Aid Service Authority, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petition shall stand dismissed automatically without any further reference to this Court.

4.Registry is directed to number the petition, if the papers are otherwise in order.

sd/-
29/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE PRINCIPAL SUBORDINATE
TENKASI.
- 2.THE ADDITIONAL DISTRICT MUNSIF
TENKASI.
- 3.THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
C.M.P (MD) No.5566 of 2021
IN
S.A. (MD) No.SR12443 of 2021
Date :29/07/2021

SA/VR/SAR.2/03.08.2021/2P/4C