



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

Monday, the Twenty Ninth day of November Two Thousand and Twenty One

PRESENT

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The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.5393 of 2021
in
SA(MD) SR.No.29273 of 2021

SELVASEKARA PANDIAN

... PETITIONER/APPELLANT

Vs

- 1 RAJALINGAM PANDIAN ALIAS RAJAKULAPANDIAN
- 2 THE TAMIL NADU GENERATION AND DISTRIBUTION,
CORPORATION (TANGEDCO), ANNA SALAI,
CHENNAI, THROUGH ITS CHAIRMAN.
- 3 THE CHIEF ENGINEER
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION (TANGEDCO), MAHARAJA NAGAR,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE JUNIOR ENGINEER
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION (TANGEDCO), KEEZHAPAVUR,
ALANGKULAM TALUK, TIRUNELVELI DISTRICT,
NOW PAVURCHATHRAM, TENKASI TALUK, TENKASI DISTRICT.
- DEIVALOGA PANDIAN(DIED)
- CHITHIRAIPALAM(DIED)
- 5 JOSHPIN JESURAJA PANDIAN
- 6 PACKIA ALPHONSE
JEBASTIN (DIED)
- 7 ARULPACKIAM
MURUGAN (DIED)
- 8 SUNDARAVALLI



9 PREMA

10 JAMES ASIRVATHARAJ

11 AKILA

... RESPONDENTS/RESPONDENTS

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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 536 days in filing the above Second Appeal.

PRAYER IN SA(MD) SR.No.29273 of 2021;

Pleased to set aside the judgment and decree dated 07.09.2019 passed in A.S.No.68 of 2014 on the file Additional Sub-Court, Tenkasi confirming the judgment and decree dated 12.06.2014 passed in O.S.No.504 of 2006 on the file of the Additional District Munsif Court, Tenkasi.

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.M.P.SENTHIL, Advocate for the petitioner and of Mr.S.THESIGAN, Advocate for the 1st respondent and Mrs.M.RAJESWARI, for Mr.S.M.S.JOHN BASHA, Advocate for the respondents 2 to 4, the Court made the following order:-

This Petition has been filed seeking to condone the delay of 536 days in filing the above Second Appeal.

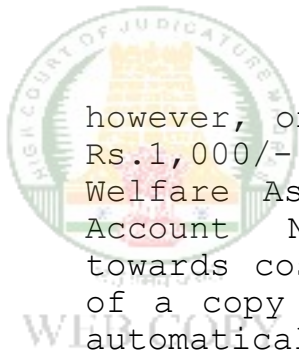
2.Heard, Mr.M.P.Senthil, learned counsel appearing for the Petitioner / Appellant, Mr.S.Thesigan, learned counsel appearing for the first respondent and Mrs.M.Rajeswari, for Mr.S.M.S.Johny Basha, learned counsel appearing for respondents 2 to 4 and perused the materials placed before this Court. Though notice was served on R5 to 11 and their names being printed in the cause list, there is no representation on behalf of them, either in person or through counsel.

3 The learned counsel for the petitioner would submit that the petitioner is aged about 78 years and due to old age ailments, the petitioner was unable to contact his counsel and file the second appeal in time and thereby, there is a delay of 536 days in filing the second appeal.

4.Considering the length of delay and the reasons assigned in paragraph Nos.7 and 8 of the accompanying affidavit, this Court is of the view that this petition may be ordered, on payment of costs.

5.In view of the above, this Petition is ordered and the delay of 536 days in filing the above Second Appeal is condoned,

<https://hcservices.ecourts.gov.in/hcservices/>



however, on condition that the Petitioner / Appellant pays a sum of Rs.1,000/- (Rupees One Thousand 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/-

29/11/2021

/ 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,
TENKASI.

2 THE ADDITIONAL DISTRICT MUNSIF
TENKASI.

COPY TO:

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

ORDER

IN

CMP(MD) No.5393 of 2021

in

SA(MD) SR.No.29273 of 2021

Date :29/11/2021

SS/JM/SAR-IV/02.12.2021 : 3P/4C