



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

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

PRESENT

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

CMP.(MD)No.4970 of 2020

in

SA(MD)SR.No.36461 of 2020

MURUGESAN

... PETITIONER/APPELLANT

Vs

VIJAYALAKSHMI

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order to Condone the delay of 292 days in filing this Second Appeal in SA(MD).No. 36461/2020 before this Honourable Court.

PRAYER IN SA(MD)SR.No.36461 of 2020:

Second Appeal filed under section 100 C.P.C as against the Judgment and decree dated 11.10.2018 passed in A.S.No.28 of 2017 on the file of the Additional District Judge(FTC), Theni, reversing the Judgment and Decree dated 20.01.2017 passed in O.S.No.156 of 2012 on the file of the Subordinate Judge, Uthamapalayam.

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.D.NALLATHAMBI, Advocate for the petitioner and of Mr.S.ALAGARSAMY, Advocate on behalf of the Respondent, the Court made the following order:-

This petition has been filed seeking to condone the delay of 292 days in filing the Second Appeal.

2.Heard the learned counsel for the petitioner.

3.The learned counsel for the respondent submitted that the respondent filed an Execution Petition and the same is pending for the past three years. Now, the petitioner has filed the petition with delay of 292 days in filing the second appeal, in which, he has not explained each and every day of delay.



4.Considering the reasons stated in the affidavit filed in support of the petition and considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.5000/- (Rupees five thousand only) to the **to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), through online payment within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court.

5.In the event of payment of cost, the Registry is directed to number the appeal, if it is otherwise in order.

sd/-
23/06/2021

/ TRUE COPY /

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

TO

1.THE ADDITIONAL DISTRICT JUDGE,FTC,
THENI.

2.THE SUBORDINATE JUDGE,
UTHAMAPALAYAM.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI - 9.

ORDER
IN
CMP (MD) No.4970 of 2020
in
SA (MD) SR.No.36461 of 2020
Date :23/06/2021

gns
AE/AKM/SAR-III/28.06.2021/2P/4C