



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

Wednesday, the Twenty Second day of December Two Thousand and
Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.8248 of 2021
and
SA(MD) SR.NO.37098 of 2021

1 SHANTHA,

2 MALLIKA,

... PETITIONERS/APPELLANTS

Vs

1 GOMATHIAMMAL,

2 MEHALA,

3 MAHALAKSHMI,

4 SUYAMPRAKASH,

5 SELVARAJ,

6 SUBRAMANIAN,

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass orders to condone the delay of 28 days in filing the above second appeal.

PRAYER IN SA(MD) SR.No.37098 of 2021:

Pleased to set aside the Judgment and Decree of the Subordinate Judge, Mudukulathur in A.S.No. 24 of 2017 dated 27.11.2019, confirming the judgment and decree of the District Munsif, Mudukulathur in O.S.No. 45 of 2008 dated 13.02.2015 and allow the suit by allowing this second appeal with costs.

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.A.HAJA MOHIDEEN, Advocate for the petitioner and of the 4th respondent not appearing either in person or by an Advocate, the court made the following order:-

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



There is a delay of 28 days in filing the Second Appeal.

2. Even though the learned counsel appearing for the fourth respondent filed a counter-affidavit and opposed the petition for condoning the delay, there is no representation for the fourth respondent.

3. However, the petitioner has satisfactorily explained the reasons for condoning the delay in the affidavit filed in support of the petition, the delay is condoned and the petition is ordered on condition that the petitioners pay a sum of Rs.500/- (Rupees Five Hundred only) as costs to the Government Higher Secondary School, Y. Othakadai, Madurai, (Current Account No. 10968750674, State Bank of India, Tallakulam Branch, IFSC Code No. SBIN0000253), on or before 30.12.2021, failing which, this Petition shall stand automatically dismissed, without further reference to this Court.

sd/-

22/12/2021

/ TRUE COPY /

/ /2021

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

ps

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 SUBORDINATE JUDGE,
MUDUKULATHUR.

2 THE DISTRICT MUNSIF,
MUDUKULATHUR

COPY TO

THE HEAD MASTER
GOVERNMENT HIGHER SECONDARY SCHOOL,
Y. OTHAKADAI,
MADURAI.

ORDER

IN

CMP(MD) No.8248 of 2021

and

SA(MD) SR.NO.37098 of 2021

Date : 22/12/2021