



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

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

PRESENT

WEB COPY

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)No.8541 of 2021

in

S.A(MD)SR.No.47044 of 2021

1 THANKA LILLY

2 AGNEES

... PETITIONERS/ APPELLANTS

Vs

L.MENELA

... RESPONDENT/ RESPONDENT

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 267 days in filing the second appeal.

PRAYER IN S.A(MD)SR.No.47044 of 2021:

To set aside the Judgment and Decree made in A.S.No.24 of 2017 dated 28.02.2019 passed by the Learned Subordinate Judge, Padmanabhapuram confirming the Judgment and Decree passed in O.S.No.313 of 2012 dated 17.04.2017 on the file of the Learned Principal District Munsif, Padmanabhapuram and allow the 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.G.RAMANATHAN, Advocate for the petitioner and of MR.T.ARUL, Advocate on behalf of the Respondent, the court made the following order:-

This Petition has been filed seeking to condone the delay of 267 days in filing the above Second Appeal.

2.Heard, Mr.G.Ramanathan, learned counsel appearing for the Petitioners / Appellants and Mr.T.Arul, learned counsel appearing for the respondent and perused the materials placed before this Court.

3. The learned counsel for the respondent has raised serious objections that the period of delay has not been properly explained and the delay calculated by the petitioners are wrong and actually the second appeal has been filed with a delay of 900 days and the petitioners have calculated the delay, after excluding the Covid-19,



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 267 days in filing the above Second Appeal is condoned, 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/-

01/12/2021

/ 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 SUBORDINATE JUDGE,
PADMANABHAPURAM.

2 THE PRINCIPAL DISTRICT MUNSIF,
PADMANABHAPURAM.

COPY TO:

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

ORDER

IN

C.M.P (MD) No.8541 of 2021

in

S.A (MD) SR.No.47044 of 2021

Date :01/12/2021

rm

MK/PN/SAR.II/04.12.2021/2P/4C

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