



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

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

PRESENT

**The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN**

CMP(MD) No.8657 of 2021  
in  
SA(MD) SR.No.50377 of 2021

MANGALASAMY

... PETITIONER/APPELLANT

Vs

R.C.DIOCEASE OF SIVAGANGAI  
THROUGH ITS PROPRIETOR,  
BISHOP HOUSE, BRITO  
NAGAR, MELUR ROAD,  
SIVAGANGAI TOWN AND DISTRICT.

... 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 314 days in filing Second Appeal against the judgment and decree dated 21.11.2019 made in AS No.6 of 2015 on the file of the Sub Court, Ramanathapuram confirming the judgment and decree dated 08.01.2015 made in OS No.37 of 2012 on the file of the District Munsif Court, Ramanathapuram.

**PRAYER IN SA(MD) SR.No.50377 OF 2021:**

Pleased to set aside the judgment and decree dated 21.11.2019 made in AS No.6 of 2015 on the file of the Sub Court, Ramanathapuram confirming the judgment and decree dated 08.01.2015 made in OS No.37 of 2012 on the file of the District Munsif Court, Ramanathapuram and to allow 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.V.THIRUMAL, Advocate for the petitionerS and of MR.K.RAGATHEESH KUMAR, Advocate for M/S. ISAAC CHAMBERS on behalf of the Respondent, the court made the following order:-

This Petition has been filed seeking to condone the delay of 314 days in filing the above Second Appeal.

2.Heard the learned counsel appearing for the petitioner, learned counsel appearing for the respondent and perused the materials placed before this Court.



3.Considering the length of delay and the reasons assigned in paragraph No.7 of the accompanying affidavit, this Court is of the view that this petition may be ordered, on payment of costs.

4.In view of the above, this Petition is ordered and the delay of 314 days in filing the above Second Appeal is condoned, however, on condition that the Petitioner/ Appellant pays a sum of Rs.500/- (Rupees Five Hundred 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/-

09/12/2021

/ TRUE COPY /

/ /2021

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

RM

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,  
RAMANATHAPURAM.

2 THE DISTRICT MUNSIF,  
RAMANATHAPURAM.

COPY TO

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

ORDER  
IN  
CMP(MD) No.8657 of 2021  
AND  
SA(MD) SR.No.50377 of 2021  
Date :09/12/2021

PKP/JM/SAR-3/14.12.2021/2P/4C