



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

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

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)No.8509 of 2021
in
S.A(MD)SR.No.17662 of 2020

THANGAPPAN

... PETITIONER/ APPELLANT

Vs

1 CHIDAMBARESH
2 NADESH

... RESPONDENTS/ RESPONDENTS

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 95 days in filing appeal against the judgment and decree dated 27.08.2019 passed in AS No.4 of 2019 on the file of the Principal Sub Court, Nagercoil.

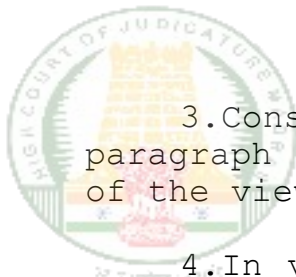
PRAYER IN S.A(MD)SR.No.17662 of 2020:

To set aside the judgment and decree dated 30.10.2018 passed by the learned District Munsif-cum-Judicial Magistrate, Poothapandi in O.S.No.326 of 2012 and the judgment and decree dated 27.8.2019 passed by the Principal Subordinate Judge, Nagercoil in A.S.No.4 of 2019 and decree the suit as prayed for and thus render justice.

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.P.SUBBIAH, Advocate for the petitioner and of MR.D.NALLATHAMPI, Advocate on behalf of the Respondents, the court made the following order:-

This Petition has been filed seeking to condone the delay of 95 days in preferring the above Second Appeal.

2.Heard, Mr.P.Subbiah, learned counsel appearing for the Petitioner / Appellant and Mr.D.Nallthambi, learned counsel appearing for the first respondent and perused the materials placed before this Court. Though notice was served on the second respondent and his names being printed in the cause list, there is no representation on behalf of him, either in person or through counsel.



3.Considering the length of delay and the reasons assigned in paragraph Nos.4 and 5 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 95 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 three days 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
POOTHAPANDI.

2 THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL.

COPY TO:

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

ORDER
IN
C.M.P (MD) No.8509 of 2021
in
S.A (MD) SR.No.17662 of 2020
Date :01/12/2021

rm
MK/PN/SAR.III/04.12.2021/2P/4C