



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

Wednesday, the Fifteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.3464 of 2016

IN

SA(MD) SR.No.28121 of 2012

1 KODIYAN @ PAVANATHAN
2 TITTIN

... PETITIONERS/APPELLANTS

Vs

1 MUTHUKUTTI (DIED)
2 MARIMUTHAMMAL (DIED)

3 SAROJA
4 PALAVESATHAMMAL
5 SUMATHI
6 PERATCHI SELVI
7 LAKSHMI

NAGAMANI (DIED)

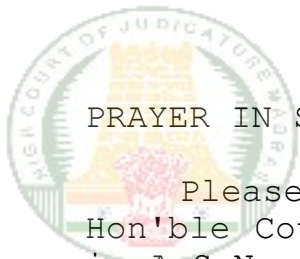
8 SENTHI
9 SRIRENGANATHAN
10 K.PERUMAL
11 HITLER
12 ALEXANDER
13 PARASAKTHI

... RESPONDENTS/RESPONDENTS

1st APPELLANT AND 3rd RESPONDENT
RECORDED AS THE LRS OF DECEASED 2nd
RESPONDENT, MEMO FILED WITH USR No.160
DATED 09.01.2017 AND NOTICE TO THE
THIRD RESPONDENT DISPENSED WITH VIDE
COURT ORDER DATED 12.01.2017 MADE IN
MEMO BY MDJ.

(RR 11 TO 13 ARE BROUGHT ON RECORD
AS LRS OF THE DECEASED R1 VIDE COURT
ORDER DATED 03.02.2021 MADE IN CMP(MD)
Nos.2565 TO 2567/2018 IN SA(MD)
No.28121/2012 BY RSMJ)

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 97 days in filing the above SA(MD)
SR28121 of 2012.



PRAYER IN SA(MD) SR.No.28121 of 2012:

Pleased to submit this Memorandum of Second Appeal before this Hon'ble Court against the Judgment and decree dated 13.12.11 passed in A.S.No.67 of 2010 by the Principal Sub Court, Tirunelveli partly allowing the Judgment and Decree dated 10.12.09 and passed in O.S.No.294 of 2004 by the II Additional District Munsif, Tirunelveli.

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 M/S.J.RAVIKUMAR, Advocate for the petitioner and of Mr.S.MANI, Advocate for the 5th respondent and of MR.M.SENGU VIJAY, Advocate for the respondents 11 & 12, the Court made the following order:-

This Petition has been filed seeking to condone the delay of 97 days in filing the above Second Appeal.

2.Heard the learned counsel appearing for the petitioners and learned counsel appearing for the respondents 5, 11 and 12 and perused the materials placed before this Court.

3.Considering the length of delay and the reasons assigned in paragraph No.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 97 days in filing the above Second Appeal is condoned, however, on condition that the Petitioners/ Appellants pay 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 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/-

15/12/2021

/ 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 PRINCIPAL SUBORDINATE JUDGE,
TIRUNELVELI.

2 THE II ADDITIONAL DISTRICT MUNSIF,
TIRUNELVELI.

COPY TO:

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

ORDER

IN

CMP (MD) No.3464 of 2016

IN

SA(MD) SR.No 28121 of 2012

Date :15/12/2021

SS/JC/SAR-I/20.12.2021 : 3P/4C