



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

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

WEB COPY

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P(MD)No.10926 of 2021
IN
S.A(MD)SR.No.63910 of 2021

CHANDRAKALA (DIED)

- 1 S.PERUMAL (DIED ON 27.03.2021)
- 2 P.SAMRAJ
- 3 P.MADHAN
- 4 P.JAYAN
- 5 P.SUJATHA

... PETITIONERS/APPELLANTS

Vs

- 1 S.SANTHOSAM
- 2 SOBITHAM

... 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 314 days delay in representation of the main Second Appeal S.A.(MD)NEW SR.No.63910 of 2021 before this Honourable Court.

PRAYER IN SA(MD)SR.No.63910/2021:

Pleased to set aside the Judgment and Decree dated 06.12.2018 passed in A.S.No.37 of 2013 on the file of the Principal District Court, Kanyakumari at Nagercoil, reversing the Judgment and Decree dated 11.07.2011 passed in O.S.No.87 of 2007 on the file of the Principal Subordinate Court, Nagercoil by allowing 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.D.NALLATHAMBI, Advocate for the petitioners, the court made the following order:-

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



2.Heard the learned counsel on either side and perused the materials placed before this Court.

3.For the reasons assigned in Paragraph No.5 of the accompanying affidavit and also considering the length of delay, 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 representing the above Second Appeal is condoned on condition that the petitioner pays 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), 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/-
22/12/2021

/ 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 DISTRICT JUDGE,
KANYAKUMARI AT NAGERCOIL

2 THE PRINCIPAL SUBORDINATE JUDGE,
NAGERCOIL

COPY TO:

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

**ORDER
IN**

C.M.P (MD) No.10926 of 2021
IN
S.A (MD) SR.No.63910 of 2021
Date :22/12/2021

SA/CN/SAR.1/28.12.2021/2P/4C