



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

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

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

C.M.P (MD) No.11638 of 2019
in

S.A (MD) SR.No.71244 of 2019

1 K.PERIYASAMY
2 K.CHINNASAMY
3 K.ARUMUGAM
4 K.SELVARAJ

... PETITIONERS/ APPELLANTS

Vs

MANIRAJ (DIED)
1 DHAYA RAJASUNDARI
2 PRIYA BHAKIYA LATHA
3 K.JAYAPANDIYAN
4 S.SERMAKANI

... 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 87 days delay in filing the appeal.

PRAYER IN S.A(MD) SR.No.71244 of 2019:

To set aside the Judgment and decree passed in A.S.No.38 of 2012 dated 23.01.2019 on the file of the Sub-Court, Thoothukudi reversing the Judgment and Decree passed in O.S.No.518 of 2008 dated 27.07.2011 on the file of the Additional District Munsif Court, Thoothukudi.

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.MUTHUMALAIRAJA, Advocate for the petitioner, the court made the following order:-

This Petition has been filed seeking to condone the delay of 87 days in filing the above Second Appeal.

2.Heard the learned counsel appearing for the petitioners and perused the materials placed before this Court. Though notice was served on respondents 1 to 4 and their names being printed in the cause list, there is no representation on behalf of them, either in person or through counsel.



3.Considering the length of delay and the reasons assigned in paragraph No.6 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 87 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) 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 SUBORDINATE JUDGE,
THOOTHUKUDI.

2 THE ADDITIONAL DISTRICT MUNSIF
THOOTHUKUDI.

COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI,
MADURAI.

ORDER
IN
C.M.P (MD) No.11638 of 2019
in
S.A (MD) SR.No.71244 of 2019
Date :22/12/2021

rm
MK/PN/SAR.I/29.12.2021/2P/4C