



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

CMP(MD) No.11321 of 2018

IN

SA(MD)SR.No.39712 of 2017

1 SARAVANAN

2 KALPANA

... PETITIONERS/APPELLANTS

Vs

1 RAJENDRAN @ VINAYAGAMOORTHY

2 THANGAVEL

VEERAPPAN (DIED)

3 V.VISHALAKSHI

... RESPONDENTS/RESPONDENTS

(THE 3rd RESPONDENT IS NOT CONTESTING
PARTY, HENCE NOTICE OF HIM MAY DISPENSE
WITH)

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 1346 days in filing the SA(MD)SR.No.39712 of
2017.

PRAYER IN SA(MD)SR.No.39712/2017:

To prefer this Memorandum of grounds of second appeal against
the judgment and decree passed in A.S.No.311 of 2012 dated 23-07-
2013, on the file of the 1st Additional Sub-Court, Trichy, reversing
the judgment and decree passed in O.S.No.106 of 2006 dated 28-06-
2012 on the file of the District Munsif Court, Musiri.

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.H.ARUMUGAM, Advocate for the
petitioners and of Mr.K.GOVINDARAJAN, Advocate for the 1st Respondent
and Mr.R.MURALI, Advocate for the 2nd Respondent, the court made the
following order:-

This Petition has been filed seeking to condone the delay of
1346 days in filing the above Second Appeal.

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

<https://hcservices.ecourts.gov.in/hcservices/>



3.Considering the length of delay and the reasons assigned in paragraph Nos.5 and 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 1346 days in filing the above Second Appeal is condoned, however, on condition that the Petitioners/ Appellants pay a sum of Rs.1,000/- (Rupees One Thousand 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 1st ADDITIONAL SUBORDINATE JUDGE, TRICHY.

2 THE DISTRICT MUNSIF, MUSIRI.

COPY TO:

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

ORDER

IN

CMP(MD) No.11321 of 2018

IN

SA(MD) SR.No.39712 of 2017

Date :22/12/2021

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