



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

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

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PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.4566 of 2017
IN
SA(MD) No.SR20552 of 2017

1 SRI RAMALINGASAMY EDUCATIONAL TRUST,
BY ITS TRUSTEE HAVING ITS OFFICE AT
1/3107, DANIEL THOMAS NAGAR,
NANJIKOTTAI ROAD, THANJAVUR TOWN AND MUNSIF
THANJAVUR DISTRICT.

2 VASANTHA

3 CHITRA

4 KAMAKSHI

5 MINOR RAGHAVI
REP BY HER MOTHER KAMAKSHI

6 SRI RAMALINGASAMY EDUCATIONAL TRUST,
BY ITS TRUSTEE
K. JAYALAKSHMI,

... PETITIONERS 1 TO 6
/ APPELLANTS 1 TO 6

Vs

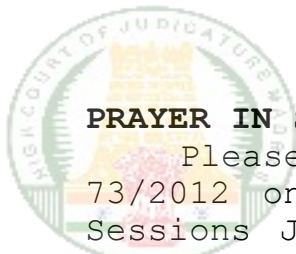
1 THANJAVUR MUNICIPALITY
REP BY ITS COMMISSIONER,
HAVING ITS OFFICE AT GANDHIJI ROAD,
THANJAVUR TOWN AND MUNSIF,
THANJAVUR DISTRICT.

2 GNANASEKARAN

3 SUGUMAR

... 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 40 days in filing the present second appeal
i.e., SA(MD) SR 20552/2017.



PRAYER IN SA(MD) SR.NO.20552/2017:

Pleaded to set aside the judgment and decree made in A.S.No. 73/2012 on the file of the learned IInd Additional District and Sessions Judge, Thanjavur dated 30/11/2016 confirming the judgment and decree dated 29/02/2012 made in O.S.No.45/2007 on the file of the learned Principal Subordinate Judge, Thanjavur and allow the above 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.C.JEGANATHAN, Advocate for M/S.VEERA ASSOCIATES for the petitioner and of MR.N.DILIP KUMAR, Advocate on behalf of the 1st Respondent and the Respondents 2 and 3 not appearing either in person or by an Advocate, the court made the following order:-

This Petition has been filed seeking to condone the delay of 40 days in filing the above Second Appeal.

2.Heard the learned counsel appearing for the petitioners and Mr.N.Dilip Kumar, learned counsel appearing for the first respondent and perused the materials placed before this Court. Though notice was served on respondents 2 and 3 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 572 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) 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.

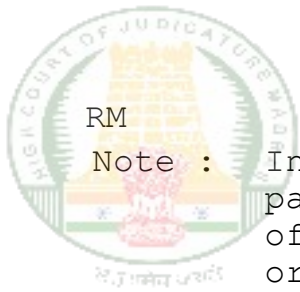
sd/-

22/12/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



RM

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.

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TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2 THE PRINCIPAL SUBORDINATE JUDGE, THANJAVUR.

COPY TO

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

ORDER
IN
CMP (MD) No.4566 of 2017
IN
SA (MD) No.SR20552 of 2017
Date :22/12/2021

PKP/VR/SAR-2/28.12.2021/3P/4C