



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.S.SUNDAR

CMP.NO.7257 OF 2022

IN SA.SR.NO.140018 OF 2019

M.VIGNESH

[PETITIONER]

Vs

R.GANESHAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 867 days in representing the Second Appeal SR.NO.140018 of 2019 against the judgment and decree dated 29.01.2019 passed in A.S.No.4 of 2016 on the file of the Subordinate Court, Avinashi (CMP.NO.7257/2022)

Order : This Miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.KAITHAMALAI KUMARAN, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 867 days in representing the above second appeal.

2. Heard Mr. S.Kaithamalai Kumaran, learned counsel for the petitioner.

3. Though the reasons stated in the affidavit filed in support of the petition are not accurate, the explanation offered by the petitioner for the delay in representing the above second appeal, is acceptable. This Court has no reasons to doubt the bonafide reasons stated by the petitioner. However, the delay could have been avoided by showing due diligence by the petitioner and his counsel. Hence, this Court is inclined to allow this petition subject to terms.



4. Accordingly, the Civil Miscellaneous Petition is ordered and delay of 867 days in representing the above second appeal is condoned subject to condition that the petitioner pays a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred Only), to the Tamil Nadu State Legal Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

-sd/-
22/04/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE,
AVINASHI.

2 THE DISTRICT MUNSIF-CUM-JUDICIAL
MAGISTRATE, PERUNDURAI.

COPY TO:

THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
HIGH COURT BUILDING, HIGH COURT,
MADRAS - 600 104.

Order
in
CMP.NO.7257 OF 2022

IN SA.SR.NO.140018 OF 2019

Date :22/04/2022

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