



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

Thursday, the Sixth day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN
and
The Hon`ble Dr.Justice G.JAYACHANDRAN

CMP (MD) No.2280 of 2021
IN
AS (MD) SR.No.17517 of 2020

SAROJA

... PETITIONER/APELLANT

Vs

RAMASAMY

... RESPONDENT/RESPONDENT

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 80 Days in Filing the First Appeal, agitating against the Decree and Judgment passed by the 1st Additional District Court, Madurai on 02.07.2019 and direct the First Appeal to be taken on file and pass such orders or other suitable Orders which the Honourable Court may in the circumstances of the case may deem fit and proper and thus render Justice.

PRAYER IN AS (MD) SR.No.17517 of 2020:

To allow this First Appeal, by Setting Aside the Decree and Judgment in O.S.No.70 of 2016 passed by the 1st Additional District Court, Madurai and Dismiss the Suit filed by the Respondent/Plaintiff with the Costs of the Respondent payable to him throughout by the Respondent/Plaintiff.

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.S.RAMESH ALIAS RAMAIAH, Advocate for the petitioner and of MR.M.O.THEVA KUMAR, Advocate on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This application is to condone the delay of 80 days in preferring the first appeal by the defendant, who lost the case before the trial Court filed for specific performance.



2.The learned counsel for the respondent/plaintiff objects the condone delay application on the ground that the trial Court passed the judgment in his favour on 02.07.2019. However, the appeal is filed belatedly and the reason assigned for delay is not satisfactorily explained with any medical records.

3.Considering the averments made in the affidavit and the objections raised by the respondent counsel, this Court is of the view that to afford an opportunity to the petitioner/appellant, the delay of 80 days can be condoned on terms. Accordingly, the delay is condoned on payment of cost of Rs.10,000/- to the respondent on or before 05.02.2022. On such payment, the Registry shall number the appeal, if it is otherwise in order.

sd/-
06/01/2022

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/ /2022
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

THE 1ST ADDITIONAL DISTRICT JUDGE,
MADURAI.

ORDER
IN
CMP(MD) No.2280 of 2021
in
AS(MD) SR.No.17517 of 2020
Date :06/01/2022

RS/PN/SAR.4(11.01.2022) 2P-2C