



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

Friday, the Eighteenth day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD) No.2391 of 2021
in
CMSA(MD) SR.No.13288 of 2021

T.PANDIARAJAN

... PETITIONER/APPELLANT

Vs

PANDI RADHA

... 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 338 days in filing the above CMSA preferred against the Judgment and decree in HMCMA No.2 of 2017 dated 27.09.2018 on the file of the IV Additional District Court, Madurai.

PRAYER IN CMSA(MD)SR.No.13288 of 2021:

Pleased to setaside the judgment and decree dated 27.08.2018 in HMCMA No. 2 of 2017 on the file of the IV Additional District Court, Madurai in confirming the Judgment and Decree dated 29.06.2015 made in HMOP No. 224 of 2013 on the file of the III Additional Subordinate Court, Madurai.

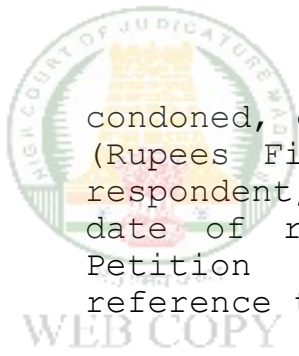
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.POORNACHANDRAN, Advocate for the petitioner and of MR.A.R.KANNAPPAN, Advocate on behalf of the Respondent, the court made the following order:-

This Petition is filed seeking to condone the delay of 338 days in filing the above Civil Miscellaneous Second Appeal.

2.The learned counsel appearing for the respondent has no objection in allowing the petition.

3.It is seen that counter has not been filed so far.

4.Being satisfied with the reasons stated in the affidavit filed in support of this petition and considering the fact that there is no objection on the side of the respondent, the delay of 338 days in filing the above Civil Miscellaneous Second Appeal is



condoned, on condition that the petitioner shall pay a sum Rs.500/- (Rupees Five Hundred Only) to the learned counsel for the first respondent, towards costs, within a period of two weeks 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.

5. Office to number the appeal, if it is otherwise in order and list it for admission in the usual course. Further, it is made clear that the claimant is not entitled for any interest for the delay period of 338 days, in filing the above appeal before this Court.

sd/-

18/02/2022

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

TO

- 1 THE IV ADDITIONAL DISTRICT JUDGE,
MADURAI.
- 2 THE III ADDITIONAL SUBORDINATE COURT,
MADURAI.

ORDER

IN

CMP(MD) No.2391 of 2021

in

CMSA(MD) SR.No.13288 of 2021

Date :18/02/2022

vrn

PKP/PN/SAR-4/02.03.2022/2P/3C