



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty Eighth day of January Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) . No.6201 of 2019
in
SA(MD)SR.NO.45908 of 2016

1. Subbulakshmi, W/o.Murugan
2. R.Uchimahali Pandian s/o Ramakrishna Thever.
3. Arumugam, w/o Muthu.
4. Santhanammal W/o petchimuthu.

... Petitioners/

Appellants

Vs

- 1 A.Rajam
W/o.Anotonyraj, no.12A, Devapiran Street,,
Murugankurichi, Palayamkottai, Palayamkottai,
Taluk..
- 2 A.Chelladurai
S/o.Alagaiah Thevar, Door No.74, West Street,,
Pallikottai, Tirunelveli Taluk..

...Respondents/ Respondents

Prayer :-

Civil Miscellaneous Petition filed Under Section 5 of Limitation Act, For the reasons stated in the accompanying affidavit, it is prayed that this Honourable Court may be pleased to condone the delay of 82 days in filling the above Second Appeal.

Prayer in SA(MD)SR.NO.45908 of 2016:

Second Appeal filed under Section 100 of C.P.C., to set aside the judgment and decree of the AS.NO.07/2014, dated 10.08.2015 on the file of the Principal District Judge, Tirunelveli confirming the Judgement and decree dated 20.11.2013 passed in OS.No.101 of 2012, on the file of the Principal Subordinate Court, Tirunelveli.



ORDER

This Civil Miscellaneous Petition coming on for hearing on this day upon perusing the Petition and Affidavit filed in support thereof and upon hearing the arguments of MR.J. ASHOK, Advocate for the Appellant, and MR. D. SRINIVASARAGHAVAN for the first Respondent, and the Ms.S.VINODHINI for MR. A. SIVANAPANDIAN for the 2nd Respondent, this Court made the following order:

This Petition has been filed seeking to condone the delay of 82 days in filing the above Second Appeal.

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

3.Considering the length of delay and the reasons assigned in paragraph No.4 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 82 days in preferring the above Second Appeal is condoned, however, on condition that the Petitioners/ Appellants pay 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/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Principal District Judge, Tiurnelveli.
2. The Principal Subordinate Court, Tirunelveli.



Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

2. The Head master,
Govt. Higher Secondary School,
Y.Othakadai, Madurai.

ORDER DATED : 28/01/2022

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ORDER
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CMP (MD) . No.6201 of 2019
in
SA (MD) SR.NO.45908 of 2016

Giving direction and etc.
as stated within.

ck (CO)
TR (02.03.2022) 3P 5C