



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

Tuesday, the Thirtieth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mrs.Justice S.SRIMATHY

C.M.P. (MD) No.5883 of 2020
in
A.S. (MD) SR.No.43123 of 2020

M.SANKAR

... PETITIONER/APPELLANT/PLAINTIFF

Vs

1 K.K.V.A.ALAGIYA SINGARACHARIYAR
2 K.K.V.A.S. PADMAVATHI AMMANGAR
3 S.JAYASHRI
4 V.S.P.N. RENGASHRI
5 V.SHOBANA

... RESPONDENTS/RESPONDENTS/DEFENDANTS

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 376 days in filing the appeal suit before this Honourable court.

Prayer in A.S. (MD) SR.No.43123 of 2020:

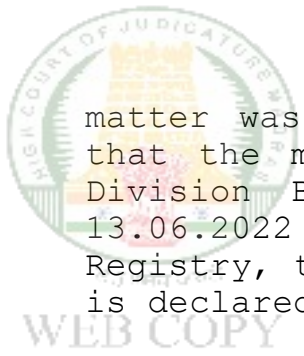
To call for the records from the court below and set aside the decree and judgment of learned III Additional District Court, Trichy dated 12.04.2019 in O.S.No.84 of 2011 by allowing this Appeal.

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.R.RAMASAMY, Advocate for the petitioner, the court made the following order:-

[Order of the Court was made by **S.S.SUNDAR, J.**]

Heard Mr.R.Ramasamy, learned counsel appearing for the petitioner.

2.It is represented by the learned counsel appearing on either side that the petition to condone the delay of 376 days was entertained by a learned Single Judge of this Court, since the



matter was posted before the Single Bench by mistake. It is seen that the matter ought to have been heard and disposed of by the Division Bench of this Court and hence the said order dated 13.06.2022 may not survive. Therefore, at the request of the Registry, the matter is posted before us. The order dated 13.06.2022 is declared inappropriate and without jurisdiction.

3. This Court finds that the petitioner has explained the delay to the satisfaction of this Court. However, the delay could have been avoided by due indulgence. Hence, this petition is ordered and the delay is condoned on condition that the petitioner pays a sum of Rs.5,000/- to the credit of C.M.P(MD)No.5883 of 2020 before the Registry.

4. It is seen that the learned Single Judge has also allowed the petition on condition to deposit a sum of Rs.5,000/-. We find the receipt for a sum of Rs.5,000/- by way of demand draft dated 13.06.2022. The same may be treated as one in compliance of this order and hence, this petition is allowed recording the payment in compliance of this order.

sd/-

30/08/2022

/ TRUE COPY /

/09/2022

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

ns

TO

THE III ADDITIONAL DISTRICT JUDGE,
TRICHY.

ORDER

IN

C.M.P. (MD) No.5883 of 2020
in

A.S. (MD) SR.No.43123 of 2020

Date : 30/08/2022

RK/SVR/SAR-II (09/09/2022) 2P/2C