



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

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

PRESENT

The Hon`ble Mr.Justice **P.VELMURUGAN**

C.M.P. (MD) No.6549 of 2020
in

A.S. (MD) SR.No.46013 of 2020

K.SIVA

... PETITIONER/APELLANT

Vs

1 THANGAM

2 ARUMUGAM PILLAI

... RESPONDENTS/RESPONDENTS

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 286 days in take this Appeal Suit/First Appeal on the file of this honble Court and pass such other orders, as this Honble Court deems fit and proper under the circumstances of this case.

PRAYER IN A.S. (MD) SR.No.46013 of 2020:

To set aside the Judgment and Decree passed in O.S.No.102 of 2018 dated 08.03.2018 on the file of the Principal District Court Nagercoil, Kanniyakumari District and allow the First 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 M/S.S/ANANTHI, Advocate for the petitioner and of M/S.S.C.HEROLDSINGH, on behalf of the Respondents the court made the following order:-

This petition is filed to condone the delay of 286 days in filing the appeal.

2.A perusal of the decree shows that the suit was dismissed as settled out of Court and refund of Court fee was also ordered. Now, the petitioner one reason or other, challenging the said decree, has filed the appeal and prior to that, he has also filed a Writ Petition. Though he has stated some reasons in the accompanying affidavit to condone the delay, this Court is not satisfied with the same. However, in order to give an opportunity to the petitioner to make out his grounds, this Civil Miscellaneous Petition is allowed, on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of C.M.P. (MD) No.6549 of 2020 before the Registry, within a period of 10 days, failing which,



this petition shall stand dismissed for default, automatically without further reference to this Court.

3. List the matter on **25.07.2022** for reporting compliance.

WEB COPY

sd/-
08/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRINCIPAL DISTRICT JUDGE,
NAGERCOIL, KANNIYAKUMARI.

COPY TO

1. THE SUB ASSISTANT REGISTRAR(AE)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
2. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
C.M.P. (MD) No. 6549 of 2020
in
A.S. (MD) SR. No. 46013 of 2020
Date : 08/07/2022

RK/PN/SAR-II/12.07.2022 : 2P/5C

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