



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

Wednesday, the Sixteenth day of November Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.8248 of 2022

IN

SA(MD) SR No.3545 of 2017

A.LAKSHMI AMMAL

REPRESENTED BY HER SPECIAL POWER AGENT
ALAGARSAMY

... PETITIONER/APPELLANT

Vs

NALLATHAMBI

... 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 2030 days in re-present the second appeal S.A(MD).SR.No.3545 of 2017.

PRAYER IN SA(MD) SR No.3545 of 2017 :

Pleased to set aside the Judgment and decree dated 30.10.2013 in A.S.No.147 of 2012 on file of Principal Sub Court, Thiruchirappalli confirming the judgment and decree dated 07.02.2012 made in O.S.No.163 of 2007 on the file of District Munsif Court, Manapparai and allow this appeal decreeing the suit with cost throughout.

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 A.THIYAGARAJAN, Advocate for the petitioner and of MR.K.S.KATHIRAVAN, Advocate on behalf of the Respondent, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 2030 days in re-presenting the Second Appeal in SA(MD)SR No.3545 of 2017.

2.The learned counsel appearing for the petitioner submits that while shifting his office, the papers got mingled with the bundles which are already disposed of and lost sight for a long time. He further submits that this mistake is purely on the part of the counsel. The learned counsel by referring the substantial questions of law raised in this second appeal submits that he is having a fair chance of succeeding in the Second Appeal.



3.The learned counsel for the respondent sought or filing counter affidavit. However, they have not come forward with any counter affidavit.

4.In view of the above, this Court is inclined to allow this petition with a cost. Accordingly, this Civil Miscellaneous Petition is allowed on payment of a cost of Rs.10,000/-, which has to be paid by the petitioner to the respondent within a period of two weeks from the date of receipt of a copy of this order, failing which, this order will stand automatically cancelled.

sd/-
16/11/2022

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/11/2022

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

TO

1. THE PRINCIPAL SUBORDINATE JUDGE,
THIRUCHIRAPPALLI.
2. THE DISTRICT MUNSIF,
MANAPPARAI.

ORDER
IN
CMP(MD) No.8248 of 2022 IN
SA(MD) SR No.3545 of 2017
Date :16/11/2022

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USK/VR/SAR-I/28.11.2022/2P/3C