



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

Thursday, the Third day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.11483 of 2019
IN

SA(MD) SR.No.64478 of 2019

1 T.SELVAM

**(CAUSE TITLE ACCEPTED VIDE COURT
ORDER DATED 27/11/2019 MADE IN
CMP(MD).11332/2019 IN SA(MD)
SR.64478/2019)**

2 T.ARPATHA KANMANI JANCY,
3 T.JELIN
4 T.LENIN

... PETITIONERS/APPELLANTS

Vs

1 T.A.N.THAMBIRAJAN (Died)

**R1 DIED AND THE APPELLANTS 1
TO 4 WHO ARE ALREADY ON
RECORD ARE RECORDED AS LRS OF
THE DECEASED R1 VIDE COURT
ORDER DATED 16.12.2021 MADE
IN CMP(MD)No.10858/2021 IN SA
(MD) SR.No.64478/2019.**

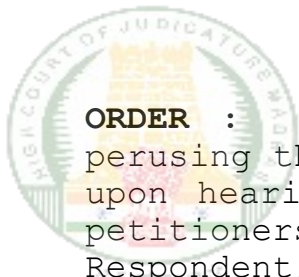
2 MOSES JEYASING
3 BACKIAJOTHI
4 DAISY
5 T.MERLIN KAMALA

... 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 2840 days in filing against A.S.No.17 of 2011 on the file of the 1st Additional Sub Court, Nagercoil, in SA MD SR No.64478 of 2019.

PRAYER IN SA(MD) SR.No.64478/2019:

To set aside the Judgment and decree in A.S.No.17 of 2011 on the file of the 1st Additional Sub Court, Nagercoil, dated 30.09.2011 confirming the order made in O.S.No.523 of 2001 on the file of the 2nd Additional District Munsif Court, Nagercoil, dated 30.06.2010 and allow this second 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.T.SELVAKUMARAN, Advocate for the petitioners and of Mr.S.XAVIER RAJINI, Advocate on behalf of the 3rd Respondent, the court made the following order:-

WEB COPY

This Petition has been filed seeking to condone the delay of 2840 days in filing the above Second Appeal.

2.Heard, Mr.T.Selvakumaran, learned counsel appearing for the Petitioners / Appellants, Mr.S.Xavier Rajini, learned counsel appearing for the third respondent and perused the materials placed before this Court. Though notice was served on Respondents 2, 4 and 5 and their names being printed in the cause list, there is no representation on behalf of them, either in person or through counsel.

3.The learned counsel for the petitioners would submit that both the parties are brothers and sisters and therefore, there is a likelihood for settlement and hence the matter may be posted for mediation.

4.The learned counsel appearing for the third respondent would submit that there is an inordinate delay and therefore, he has no objection in allowing this Petition on payment of costs to the respondents.

5.In view of the above submission, this Petition is ordered and the delay of 2840 days in filing the above Second Appeal is condoned on condition that the Petitioners pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the third respondent by way of demand draft towards costs, on or before 18.02.2022, failing which, this Petition shall stand automatically dismissed, without further reference to this Court.

sd/-

03/02/2022

/ TRUE COPY /

04/02/2022

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

TO

- 1 1st ADDITIONAL SUBORDINATE JUDGE, NAGERCOIL.
- 2 2nd ADDITIONAL DISTRICT MUNSIF, NAGERCOIL.

ORDER IN

CMP(MD) No.11483 of 2019
IN

SA(MD) SR.No.64478 of 2019
Date :03/02/2022

SA/PN/SAR.2/04.02.2022/2P/3C

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