



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

Monday, the Twelfth day of June Two Thousand and Twenty Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.198 of 2023
IN
SA(MD) No.737 of 2012

S.MASUTHA BEGAM,

... PETITIONER/APELLANT

Vs

THE CHRISTIAN EDUCATION HEALTH AND
DEVELOPMENT SOCIETY,
REPRESENTED BY ITS SECRETARY,
SHANTHIPURAM,AMBILIGAI,
OTTANCHATHIRAM TALUK,
DINDIGUL DISTRICT.

... 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 143 days in filing this petition to set aside the order dated 24-09-2019 in CMP(MD).No.10453 of 2017 in SA(MD). No.737 of 2012.

Prayer in SA(MD). 737/ 2012 :

Please to call for the records relating to the Judgement and decree dated 30.07.2012 made in A.S.No.10 of 2010 on the file of the Sub Court, palani confirming the judgement and decree dated 21.12.2009 made in O.S.No.256 of 2007 on the file of the District Munsif Court, Ottanchathiram and set aside the same and allow this second appeal and thus render justice.

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.I.VELPRADEEP, Advocate for the petitioner and of Mr.ANAND CHANDRASEKARAN, Advocate for M/s.SARVABHAUMAN ASSOCIATES, for the Respondent, the court made the following order:-

This application is filed to condone the delay of 143 days in filing the petition to set aside the order dated 24.09.2019 in C.M.P (MD)No.10453 of 2017.

2.Learned counsel appearing for the respondent has no objection for allowing this petition.



3. The appeal is of the year 2012 and it came up for hearing 24.09.2019, on that day, the appellant was not ready with the matter, therefore, the appeal was dismissed for default. The appellant has not filed an application to restore the appeal within 30 days and he filed an application with a delay of 143 days only to keep the appeal as pending. Though the reasons stated in the accompanying affidavit filed in support of the petition are not satisfied, however, in order to give one more opportunity to the appellant to prosecute the appeal, the delay of 143 days is condoned on condition that the Petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.198 of 2023 on or before 26.06.2023 and on deposit of the same, the petition shall stand allowed, failing which, the Petition shall stand automatically dismissed without further reference to this Court.

4. List the matter on 27.06.2023 for filing compliance report.

sd/-

12/06/2023

/ TRUE COPY /

/06/2023

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

AM

TO

- 1 THE SUBORDINATE JUDGE, PALANI.
- 2 THE DISTRICT MUNSIF, OTTANCHATHIRAM.

COPY TO:

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

+1. C.C. to M/S.I.VELPRADEEP Advocate SR.No.8547

ORDER IN

CMP(MD) No.198 of 2023
IN SA(MD) No.737 of 2012
Date :12/06/2023

SA/VR/SAR. /19.06.2023/2P/8C

<https://www.mhc.tn.gov.in/judis>