



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

Friday, the Twenty Fourth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD) No.2144 of 2023
IN
SA(MD) SR.No.13940 of 2019

1 T.MANOCHARAN (DIED)

2 M.MALLIKA

3 M.SENTHIL KUMAR

... PETITIONERS/PROPOSED APPELLANTS

Vs

1 K.V.K.SAMY MEMORIAL EDUCATIONAL TRUST,
THOOTHUKUDI THROUGH ITS PRESIDENT,
V.K.SELVARAJ

VELLAISAMY (DIED)

V.V.D.RAVINDRAN (DIED)

2 V.K.SELVARAJ

... 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 650 days in re-presenting the S.A.S.R.No.13940 of 2019.

PRAYER IN SA(MD) SR.No.13940 of 2019 :

To allow the Second Appeal and set aside the judgment and decree passed by the learned Subordinate Judge, Thoothukudi in A.S.No.26 of 2017 dated 31.10.2018 reversing the judgment and decree passed by the learned Additional District Munsif, Thoothukudi dated 20.12.2016 in OS No.232 of 2004.

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.N.DILIP KUMAR, Advocate for the petitioners and of MR.G.PRABHU RAJADURAI, Advocate on behalf of the 1st Respondent, the court made the following order:-



This petition is filed to condone the delay of 650 days in re-presenting the Second Appeal.

2. Being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay is condoned. However, in view of the enormous delay, this Court deems it fit to impose a cost of Rs.2000/- (Rupees Two Thousand only) payable to the respondents through the learned counsel for the respondents, within a period of two (2) weeks from the date of receipt of a copy of this order. The Civil Miscellaneous Petition is ordered on the said terms.

sd/-

24/02/2023

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/03/2023

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

lm

TO

1 THE SUBORDINATE JUDGE, THOOTHUKUDI.

2 THE ADDITIONAL DISTRICT MUNSIF, THOOTHUKUDI.

ORDER

IN

CMP (MD) No.2144 of 2023

IN

SA (MD) SR.No.13940 of 2019

Date :24/02/2023

RS/SBN/SAR-2 (06.03.2023) 2P 3C