



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD) No.2259 of 2023
in
SA(MD) SR.No.17363 of 2022

1 O.S. SAHUL HAMEED
2 O.S. SYED MOHAMED BUHARI
3 O.S. MOHAMED ABUBAKKAR

... PETITIONERS/APELLANTS

Vs

M.A.Y. BEER MOHAMED APPA,

REPRESENTED BY POWER AGENT,
M.A.Y. MOHAMED KAJA MOHIDEEN

... 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 298 DAYS IN REPRESENTING the main Second Appeal in S.A. (MD). Sr. No. 17363 of 2022 on the file of this Honourable Court by allowing this Civil Miscellaneous Petition and thus render justice.

PRAYER IN SA(MD)SR.No.17363 of 2022:-

To set aside the Judgement and Decree dated 13.12.2021 passed in A.S.No.79/2010 on the file of the Principal Sub Court, Tirunelveli reversing the Judgement and Decree dated 09.03.2010 passed in O.S.No.864 of 2004 on the file of the 1st Additional District Munsif Court, Tirunelveli to be set aside by allowing this Second Appeal thereby restoring the decree in the suit.

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.V.MEENAKSHI SUNDARAM, Advocate for the petitioners and of M/S.S.B.KAMALANATHAN, Advocate on behalf of the Respondent the court made the following order:-

This petition is filed to condone the delay of 298 days in re-presenting the Second Appeal.



CMP(MD)



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2. Mr.S.B.Kamalanathan, learned counsel for the respondent has fairly submitted that he has no objection for allowing the petition.

3. Hence, 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.500/- (Rupees Five Hundred only) payable to the Honourable Chief Justice Relief Fund, 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/-
23/02/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM

TO

1 THE PRINCIPAL SUB JUDGE, TIRUNELVELI.

2 THE 1ST ADDITIONAL DISTRICT MUNSIF, TIRUNELVELI.

COPY TO
THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.2259 of 2023
IN
SA(MD) SR.No.17363 of 2022
Date :23/02/2023

NA/MMS/SAR-2/06.03.2023/2P/4C