



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

Monday, the Nineteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP (MD) No.2381 of 2023
in
SA (MD) SR.No.10662 of 2023
and
SA (MD) No.146 of 2023

1 ANTHONIYAMMAL
2 LAKSHMI
3 SUDHA

... PETITIONERS/APELLANTS
IN CMP (MD) .2381/2023

... APPELLANTS/APELLANTS/DEFENDANT NO.3 TO 5
IN SA (MD) .146/2023

Vs

1 JEYALAKSHMI
2 NAMBI RAJAN
3 RAJESHKUMAR

... RESPONDENTS 1 TO 3/RESPONDENTS 1 TO 3
/PLAINTIFF 1 TO 3
IN SA (MD) .146/2023

4 THE DEPUTY TRAFFIC MANAGER,
CARGO UNDLING DIVISION,
V.O.CHIDAMBARANAR PORT TRUST,
THOOTHUKUDI.

... RESPONDENT NO.4/RESPONDENT NO.4
/DEFENDANT NO.1
IN SA (MD) .146/2023

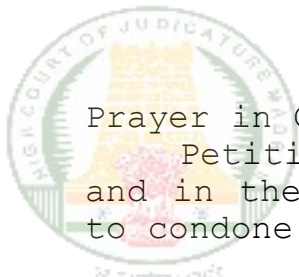
5 THE MANAGER,
LIC OF INDIA,
D.NO.58, BEACH ROAD,
THOOTHUKUDI TALUK,
THOOTHKUDI DISTRICT.

... RESPONDENT NO.5/RESPONDENT NO.5
/DEFENDANT NO.2
IN SA (MD) .146/2023

6 SARASWATHY

... RESPONDENTS/RESPONDENTS
IN CMP (MD) .2381/2023

... RESPONDENT NO.6/RESPONDENT NO.6/DEFENDANT NO.6
IN SA (MD) .146/2023



Prayer in CMP(MD).2381/2023 :

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 259 days filing in the above second appeal.

Prayer in SA(MD).SR10662/2023 :

To set aside the judgment and decree dated 22.01.2021 passed by the Subordinate Judge, Thoothukudi in A.S.No.28 of 2017 confirming the judgment and decree dated 22.12.2016 passed by the Additional District Munsif Court, Thoothukudi in O.S.No.346 of 2013 and allow this Second Appeal.

Prayer in SA(MD).146/2023 :

To set aside the judgment and decree dated 22.01.2021 passed by the Subordinate Judge, Thoothukudi in A.S.No.29 of 2017 confirming the judgment and decree dated 22.12.2016 passed by the Additional District Munsif Court, Thoothukudi in O.S.No.346 of 2013 and allow this Second Appeal.

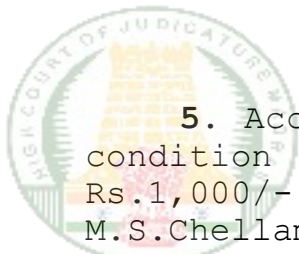
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.EDIN BROUGH, Advocate for the petitioner in both petitions and of MR.C.GODWIN, Advocate on behalf of the 5th Respondent and MR.N.DILIPKUMAR, Advocate on behalf of the 4th Respondent and none appeared either in person or by an advocate on behalf of the Respondent Nos.1, 2, 3 & 6 in both petitions, the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 259 days in filing the Second Appeal in S.A.(MD)No.SR10662 of 2023.

2. The petitioners, in their affidavit, have stated that due to the pandemic and their illness, they were unable to contact their counsel on time. According to the learned counsel appearing for the appellants, due to the said reason, there is a delay of 259 days in filing the second appeal and he would state that the delay is neither willful nor wanton.

3. The respondents have been duly served and their names are also printed in the cause list today. Some of them are represented by learned counsels. They have also not raised any serious objection for allowing this application.

4. After giving due consideration to the fact that the petitioners have stated that only due to their illness and due to the pandemic, they have not filed the second appeal on time, this Court is inclined to allow this application by putting the petitioners / appellants on terms.



5. Accordingly, this Civil Miscellaneous Petition is allowed on condition that the petitioners / appellants deposits a cost of Rs.1,000/- (Rupees One Thousand only) to the credit of M.S.Chellamuthu Trust and Research Foundation, Alagarkovil, Madurai (Account No.11194450660, IFSC Code-SBIN0001479, State Bank of India, Vinayaganagar Branch, No.8, Dr.Ambedkar Road, Madurai-20) within a period of one week from the date of receipt of a copy of this order. It is made clear that if the aforesaid amount is not paid within the stipulated time, this application shall stand automatically dismissed.

6. Registry is directed to number the Second Appeal, once the proof for payment of the cost is produced by the petitioners / appellants that they have paid the amount within the stipulated time as stated supra and if it is otherwise in order and list the same for Admission along with S.A.(MD)No.146 of 2023 on the next hearing date.

sd/-
19/06/2023

/ TRUE COPY /

/06/2023

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

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TO

1 THE SUBORDINATE JUDGE, THOOTHUKUDI.

2 THE ADDITIONAL DISTRICT MUNSIF, THOOTHUKUDI.

COPY TO

1 THE OFFICER INCHARGE,
M.S.CHELLAMUTHU TRUST AND RESEARCH FOUNDATION,
ALAGARKOVIL, 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.

ORDER IN
CMP(MD) No.2381 of 2023
in SA(MD) SR.No.10662 of 2023
and
SA(MD) No.146 of 2023
Date :19/06/2023

RS/VR/SAR-(27.06.2023) 3P 6C

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