



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

Monday, the Tenth day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP(MD) No.4082 of 2023
in
SA(MD)SR.No.84687 of 2019

1 AYYADURAI,

2 PRABHA,

... PETITIONERS/APPELLANTS

Vs

SIVASANKARAN,

... 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 455 days in re-presenting the above second appeal.

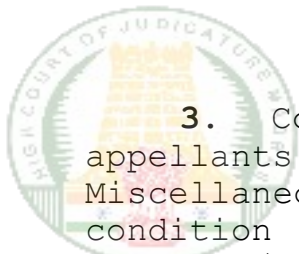
PRAYER IN SA(MD)SR.No.84687 of 2019:

Pleased to call for the entire records pertaining to the judgment and decree dated 29.03.2019 made in A.S.No. 18 of 2018 on the file of Sub-Court, Thuraiyur confirming the Judgment and Decree dated 13.03.2017 made in O.S.No. 180 of 2006 on the file of the District Munsif Court, Thuraiyur and set aside the same and consequently allow the 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 N.SUDHAGAR NAGARAJ, Advocate for the petitioner, the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 455 days in representing the Second Appeal in S.A.(MD)No.SR84687 of 2019.

2.The petitioners have expressed their difficulty in mobilising funds for filing the Second Appeal. They have also stated that only due to Covid-19 pandemic, they were finding it difficulty to mobilise funds during the year 2020-2021. According to them, only now they have mobilised the funds and due to the said reason, there is a delay of 455 days in representing the Second Appeal.



3. Considering the inordinate delay, the petitioners / appellants must be put on terms. Accordingly, this Civil Miscellaneous Petition is allowed as prayed for subject to the condition that the petitioners / appellants deposit a cost of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of one week from the date of receipt of a copy of this order.

4. 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. It is made clear that if the aforesaid amount is not paid within the stipulated time, this application shall stand automatically dismissed.

sd/-
10/04/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE SUBORDINATE JUDGE,
THURAIYUR

2 THE DISTRICT MUNSIF,
THURAIYUR

COPY TO

THE OFFICER INCHARGE
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.4082 of 2023
in
SA(MD) SR.No.84687 of 2019
Date :10/04/2023

PKP/VR/SAR-3/17.04.2023/ 2P/4C

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