



CMP(MD). No.3723 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Eighteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.3723 of 2023
in
SA(MD).SR.No.19173 of 2023

Divya

... Petitioner/ Appellant

..Vs..

1 Vajramani

2 Chandra

... Respondents/ Respondents

Prayer :-

Civil Miscellaneous petition filed under Order 41 Rule 3(A) of CPC to condone the delay of 609 days in filing the SA(MD).SR.No.19173 of 2023.

Prayer in SA(MD).SR.No.19173 of 2023:

<https://www.mhc.tn.gov.in/judis> Second Appeal is filed under Section 100 of Civil Procedure Code against the



CMP(MD). No.3723 of 2023

Judgment and Decree passed by the Additional District and Sessions Court,
Periyakulam dated 25.02.2019 made in A.S.No.23 of 2014 reversing the Judgment
and Decree made in O.S.No.75 of 2011 dated 30.06.2014 on the file of the Sub Court,
Uthamapalayam

ORDER:- This Civil Miscellaneous petition is coming on for orders on this day and
upon perusing the petition and the affidavit filed in support thereof and upon
hearing the arguments of Mr. D. Srinivasaragavan, Advocate for the Petitioner and
of Mr. T.K. Gopalan, Advocate for the respondents, this Court made the following
order:

This petition has been filed to condone delay of 609 days in filing the above
Second Appeal.

2. Heard the learned counsel for the petitioner and perused the affidavit filed
in support of this petition.

3. The learned counsel appearing for the respondents 1 & 2 has raised
objection to allow this petition.

4. Considering the reasons stated in the affidavit filed in support of this
petition and also considering the duration of delay period, this Court is inclined to



CMP(MD). No.3723 of 2023

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allow this petition subject to the condition that the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the respondents 1 and 2, within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

5. If such amount is paid within the stipulated time, Registry is directed to number the Second Appeal if it is otherwise in order and post the same for admission in the usual course.

Sd/-

Assistant Registrar(CS II)

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/02/2024

Sub Assistant Registrar(CS)



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CMP(MD). No.3723 of 2023

ORDER DATED : 18/08/2023

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CD PURPOSE ORDER

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CMP(MD). No.3723 of 2023
in
SA(MD).SR.No.19173 of 2023

PA/06.02.2024 4P 2C

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