



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

Tuesday, the Twentieth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP(MD) No.6960 of 2023
in
SA(MD) SR.No.29458 of 2022

1 KUMAR

2 FERNANDES

3 PATHINETTAMPADIYAN

4 JANATHA

5 MALLIKA

6 ANNAPOORNI

7 KANNU

... Petitioners / Appellants

(The appellants for themselves and as representatives of the fishermen in occupation of the suit properties residing at Launchiyadi, Singaravelar Nagar, Soliakudi Village, Thiruvadanai Taluk, Ramanathapuram District.)

Vs

MAHABOO MARIAM BEEVI (DIED)

1. UMMUL PAVUSIYA

2 MOHAIDEEN KASALI

THE RESPONDENTS 1 AND 2 ARE
REPRESENTED BY THEIR POWER AGENT R.M.RAJENDRAN

3 MARIMUTHU
S/O.BATHIRAKALI

4 M.MARIMUTHU
S/O.MANICKAM AASARI

5 SYED ABDUL KADAR



6 KATHER MOIDEEN
REPRESENTED BY THEIR
POWER AGENT KAJA NAHAMUDEEN

... Respondents / Respondents

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order condoning the delay of 254 days in representing the second appeal in Second Appeal (MD) SR No.29458 of 2022.

Prayer in SA(MD) SR No.29458 of 2022:

To pass a decree and judgement setting aside the judgement and decree dated 24.10.2018 passed in the appeal in A.S.No.21 of 2017 on the file of the Principal District Court, Ramanathapuram confirming the judgement and decree dated 27.06.2017 passed in the suit in O.S.No.60 of 2008 on the file of the Subordinate Court, Ramanathapuram and dismissing the suit in entirety with cost.

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.J.BARATHAN, Advocate for the petitioners, the court made the following order:-

This application has been filed to condone the delay of 254 days in representing the Second Appeal.

2. The petitioners have stated that due to non-availability of certain documents, the Second Appeal could not be represented on time.

3. However, in view of the long delay of 254 days in representing the Second Appeal, this Court is of the considered view that the petitioners must be put on terms for allowing this application. Accordingly, this Civil Miscellaneous Petition is allowed on condition that the petitioners deposit a sum of Rs.1000/- (Rupees One Thousand only) to the Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai - 20, within a period of one (1) week from the date of receipt of a copy of this order. On production of the proof for having made the said payment within the stipulated time, Registry is directed to number the Second Appeal, if it is otherwise in order and list the same for admission.

sd/-
20/06/2023

/ TRUE COPY /

/06/2023

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



CMP(MD)



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To

1.The Principal District Judge,
Ramanathapuram.

2.The Subordinate Judge,
Ramanathapuram.

Copy to:

1.The Officer Incharge,
Cancer Institute (WIA),
No.38, Sardar Patel Road,
Adyar, Chennai - 20.

2.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

3.The Sub Assistant Registrar,
AE Section,
Madurai Bench of Madras High Court, Madurai.

4.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CMP (MD) No.6960 of 2023

in

SA (MD) SR.No.29458 of 2022

Date :20/06/2023

ED/CG/SAR- (27/06/2023) 3P 7C