



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

Wednesday, the Twelfth day of April Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP(MD) No.4495 of 2023
in
SA(MD)SR.No.23092 of 2019

RAVICHANDRAN

... PETITIONER/APPELLANT

Vs

KALYANASUNDARA KURUKKAL

... 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 638 days in representing the above appeal.

PRAYER in SA(MD)SR.No.23092 of 2019:

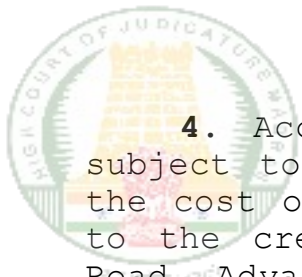
Pleased to set aside the decree and judgment passed in A.S.No.47/2017 on the file of Principal Subordinate Judge, Kumbakonam dated 14.03.2019 confirming the decree and judgment passed in O.S.No.7/2009 on the file of 1st Additional District Munsif Court, Kumbakonam dated 24.04.2017.

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 A.SENTHIL KUMAR, Advocate for the petitioner, the Court made the following order:-

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 638 days in representing the Second Appeal in S.A.(MD)No.SR23092 of 2019.

2. The reasons given for the delay of 638 days in representing the Second Appeal are that the papers got misplaced and the petitioner earlier entrusted the matter to another counsel.

3. This Court is satisfied with the reasons contained in the affidavit filed in support of this application seeking to condone the delay of 638 days in representing the Second Appeal. However, in view of the inordinate delay of 638 days in representing the second appeal, the petitioner / appellant must be put on terms. This Court deems fit to impose a cost of Rs.2,500/- on the petitioner / appellant.



4. Accordingly, this Civil Miscellaneous Petition is allowed subject to the condition that the petitioner / appellant deposits the cost of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the credit of Cancer Institute (WIA) Gandhi Nagar Canal Bank Road, Adyar, Chennai - 20 (payable in Account No.:149710011000002, Savings Account, Andhra Bank, Madhya Kailash Branch, Cancer Institute (WIA) Campus, Sardar Patel Road, Chennai - 36, Branch Name and Code: 1497, MICR No.600011049, IFSC Code:ANDB0001497), 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.

5. Registry is directed to number the Second Appeal, once the proof for payment of the cost is produced by the petitioner / appellant that he has paid the amount within the stipulated time as stated supra and if it is otherwise in order and list the same for Admission.

sd/-
12/04/2023

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE, KUMBAKONAM.
- 2 THE I ADDITIONAL DISTRICT MUNSIF, KUMBAKONAM.

COPY TO:

- 1 THE OFFICER INCHARGE,
CREDIT OF CANCER INSTITUTE (WIA)
GANDHI NAGAR CANAL BANK ROAD,
ADYAR, CHENNAI 20.
- 2 THE SECTION OFFICER,
AE 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.4495 of 2023
in
SA (MD) SR.No.23092 of 2019
Date :12/04/2023