



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

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

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

C.M.P.[MD]No.4600 of 2023

in

S.A.[MD]No.SR23645 of 2022

1 SANGARAN @ JEI SANKAR

2 JEYALAKSHMI

3 LATHA

4 CHITRA

5 VELLAIYAN

... PETITIONERS/APPELLANTS

Vs

1 N. UDAIYAL

2 MURUGESAN

3 KALIYAMMAL

4 KALIDASS

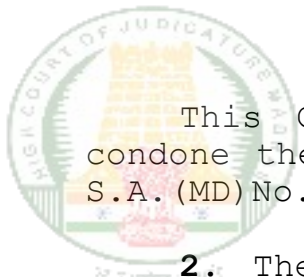
... RESPONDENTS/RESPONDENTS

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 288 days in representing the returned papers in S.A.(MD). Sr. NO. 23645 of 2022 on the file of this Honourable Court may deem and proper in the facts and circumstances of the case and thus render justice.

PRAYER IN S.A.[MD]No.SR23645 of 2022:

To set aside the judgment and decree dated 26.10.2021 made in A.S.No.31 of 2019 on the file of Sub Court, Paramakudi reversing the Judgment and Decree dated 30.09.2019 made in O.S.No.102 of 2016 on the file of District Munsif Court, Paramakudi.

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 S.SIVA THILAKAR, Advocate for the petitioner, the court made the following order:-



This Civil Miscellaneous Petition has been filed seeking to condone the delay of 288 days in representing the Second Appeal in S.A. (MD) No. SR23645 of 2022.

2. The petitioners state that the papers were misplaced and only due to the said reason, there is a delay.

3. This Court is satisfied with the reasons contained in the affidavit filed in support of this application seeking to condone the delay of 288 days in representing the Second Appeal. However, in view of the inordinate delay of 288 days in representing the second appeal, the petitioners / appellants must be put on terms. This Court deems it fit to impose a cost of Rs.1,000/- on the petitioners / appellants.

4. Accordingly, this Civil Miscellaneous Petition is allowed as prayed for subject to the condition that the petitioners / appellants deposit a cost of Rs.1,000/- (Rupees One Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai, 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 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.

sd/-

17/04/2023

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/04/2023

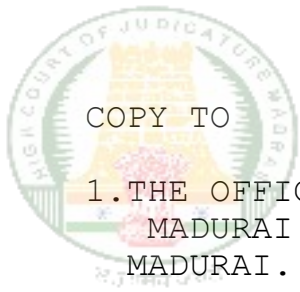
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

sm

TO

1. THE SUBORDINATE JUDGE,  
PARAMAKUDI.

2. THE DISTRICT MUNSIF ,  
PARAMAKUDI.



C.M.P.[MD]



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COPY TO

1. THE OFFICER IN CHARGE,  
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION,  
MADURAI.

2 THE SECTION OFFICER,  
JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
C.M.P. [MD] No. 4600 of 2023  
in  
S.A. [MD] No. SR23645 of 2022  
Date : 17/04/2023

RK/CG/SAR-1 (25/04/2023) 3P/5C