



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP (MD) No.5262 of 2023
in
S.A. (MD) .SR.No.28585 of 2023

R.ALAVUDHIN,

... PETITIONER/APPELLANT

Vs

A.OLI MYDHEEN

... 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 218 days in filing the Second Appeal as against the Judgment and Decree passed by the Principal Sub-Court, Srivilliputtur in A.S. No. 67/2014 on 25.04.2022 in confirming the Judgment and Decree passed by the Additional District Munsif Court, Srivilliputtur in O.S. No. 413/2011 on 07.10.2014.

PRAYER in S.A. (MD) .SR.No.28585 of 2023:

To set aside the Judgment and Decree passed by the Principal Sub-Court, Srivilliputhur in A.S.No.67/2014 on 25.04.2022 in confirming the Judgment and Decree passed by the Additional District Munsif Court, Srivilliputhur in O.S.No.413/2011 on 07.10.2014 and allow this 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.M.JOTHI BASU, Advocate for the petitioner and of Mr.M.THIRUNAVUKKARASU, Advocate on behalf of the Respondent, the Court made the following order:-

This application has been filed to condone the delay of 218 days in filing the Second Appeal.

2. The reason given for filing the Second Appeal belatedly is that the petitioner/appellant is a senior citizen aged about 61 years and he was affected with jaundice. According to the petitioner/appellant, only due to his health condition, he could not file the Second Appeal on time.

3. The learned counsel for the respondent opposes allowing of this application and he would submit that no medical records have



been produced by the petitioner to substantiate his claim that he was suffering from jaundice and did not have a good health condition.

4. However, considering the reasons given by the petitioner/appellant for not filing the Second Appeal on time and the said reasons being medical reasons and that too when the delay is only 218 days, this Court is of the considered view that this application can be allowed. However, the petitioner must be put on terms. Accordingly, this Civil Miscellaneous Petition is allowed on condition that the petitioner/appellant deposits a sum of Rs.1000/- (Rupees One Thousand only) to Government Rehabilitation Home for Leprosy Cured, Deviyakuruchi, Salem District (Mobile No.9965025341, 9080224678, Account Name: AO, Government Rehabilitation Home, Account No.542231612, Indian Bank, Talaivasal Branch, IFSC Code : IDIB000T002), 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 aforesaid 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 by printing the name of Mr.M.Thirunavukkarasu as counsel for the respondent in the cause list.

sd/-

23/06/2023

/ TRUE COPY /

/07/2023

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

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TO

1 THE PRINCIPAL SUBORDINATE JUDGE, SRIVILLIPUTHUR.

2 THE ADDITIONAL DISTRICT MUNSIF
SRIVILLIPUTHUR.

COPY TO :

1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.(ORDER COPY NOT NECESSARY)

2 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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



4 THE OFFICER INCHARGE,
GOVERNMENT REHABILITATION HOME FOR LEPROSY CURED,
DEVIYAKURICHI, SALEM DISTRICT.

WEB COPY

ORDER
IN
CMP (MD) No.5262 of 2023
in
S.A. (MD) .SR.No.28585 of 2023
Date :23/06/2023

SS/10/07/2023/3P/7C