



CMP(MD) No.5990 of 2023

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

Wednesday, the Sixth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CMP(MD) No.5990 of 2023
in
SA(MD) SR.No.30648 of 2023

SELVAMANI

... PETITIONER/ APPELLANT

Vs

1 V.ALAGARSAMY
2 RAMUTHAI
3 A.POTHIRAJ
4 RENUGA DEVI

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous 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 324 DAYS in filing the Second Appeal as against the Decree and Judgment on the file of the Subordinate Judge, Tirumangalam in A.S. No. 35 of 2018 dated 13.08.2020 by partly allowing the above said appeal by reversing the Decree and Judgment of the case in O.S. No.260 of 2012 dated 28.11.2017 on the file of the Additional Distirct Munsif Court, Tirumangalam.

Prayer in SA(MD) SR.No.30648 of 2023 :

To set aside the case in A.S.No.35 of 2018 dated 13.08.2020 on the file of the Subordinate Judge, Thirumangalam by partly allowing the above said Appeal by reversing the Decree and Judgment of the case in O.S.No.260 of 2012 dated 28.11.2017 on the file of the Additional District Munsif Court, Thirumangalam by allowing this Second Appeal.



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ORDER : This Civil Miscellaneous 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.D.BALAMURUGAPANDI, Advocate for the petitioner and of MR.K.SEKAR, Advocate on behalf of the Respondent Nos.1 to 4, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 321 days in filing the above Second Appeal as against the judgment and decree made in A.S.No.35 of 2018, dated 13.08.2020, on the file of Subordinate Judge, Thirumangalam partly allowing the above said appeal and by reversing the judgment and decree made in O.S.No.260 of 2012, dated 28.11.2017, on the file of Additional District Munsif Court, Thirumangalam.

2.The learned counsel for the Petitioner submitted that there is a delay in getting the certified copies of the judgment and decree in the appeal suit due to pandemic situation and also due to the health problem, the Petitioner was unable to contact her Advocate in time and as such, there is a delay of 324 days in filing this Second Appeal. Hence this Petition.

3.The learned counsel for the respondents 1 to 4 has no serious objection in condoning the delay.

4.Considering the reasons stated in the accompanying affidavit and on being satisfied with the same, this Petition is allowed, however, on condition that the Petitioner pays a sum of Rs.2,000/- (Rupees two thousand only) to the respondents



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directly within a period of four weeks from the date of receipt of a copy of this order,
failing which, this petition shall stand automatically dismissed, without further
reference to this Court.

sd/-
06/12/2023

/ TRUE COPY /

/12/2023

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

vsn

TO

1 THE SUBORDINATE JUDGE, THIRUMANGALAM.

2 THE ADDITIONAL DISTRICT MUNSIF, THIRUMANGALAM.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-17372[I] dated 07/12/2023)

ORDER IN
CMP(MD) No.5990 of 2023
in
SA(MD) SR.No.30648 of 2023
Date :06/12/2023

RS/SKN/SAR-(08.12.2023) 3P 4C
Madurai Bench of Madras High Court is issuing
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